HM/A-21:47 – 361 Beach Blvd., **Hamilton**

Consolidation Report

Please see staff and public comments from JULY 8th, 2021.

Should the Committee approve the application, an approval should be subject to the following condition(s) dated July 8th, 2021:

- 1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
- 2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
- 3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
- 4. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division Zoning Section).
- 5. The owner shall submit survey evidence that the lands to conveyed/retained, including the location of any existing structure(s) and permitted yard encroachments conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division Zoning Section).
- 6. The owner shall demolish the accessory building ("garage") on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department (Building Division Zoning Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law in order for the accessory building ("shed") to remain when no principal use is existing (Building Division Zoning Section). May be subject to a demolition permit issued in the normal manner.
- 7. That the proponent shall carry out an archaeological assessment of the entire portion of the property conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological Page 1 of 14

resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

- 8. A Permit to injure or remove municipal trees is a requirement of this application. Therefore, a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees. Permit fee of \$315.04 (including taxes) is required. If municipal tree assets are injured or proposed for removal as part of this development, additional fees will be applied to compensate for the loss of tree canopy. A Permit will not be issued without receipt of payment.
- 9. A Landscape Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, depicting the street tree planting scheme for the proposed development.
- 10. The applicant must enter into and register on title of the lands, a **Consent Agreement**, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time), all to the satisfaction of the Manager of Development Engineering Approvals.

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as 361 Beach Boulevard (Hamilton), and the lands to be conveyed will be assigned the address of 359 Beach Boulevard (Hamilton).

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road. (Growth Planning, Growth Management Division)

See attached for additional comments.

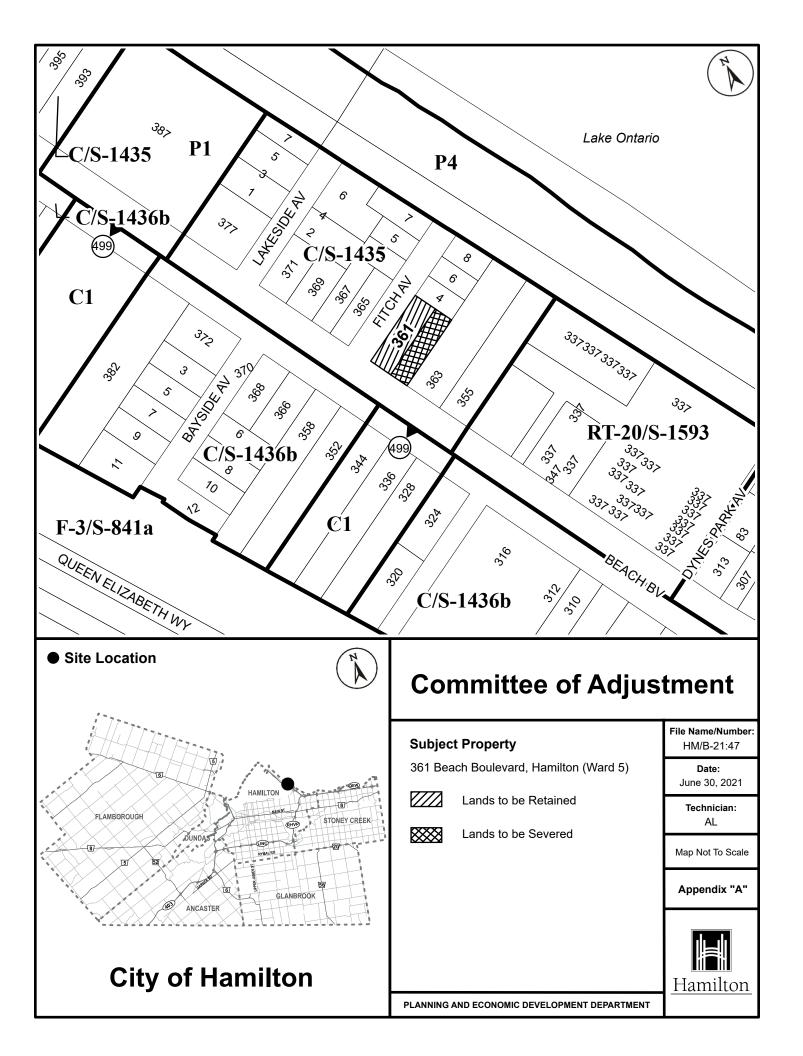
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GRAND TRUNK RALNAY

The <u>CITY OF HAMILTON</u> disclaims any liability as to the current accuracy of the contents of this document and advises that no reliance can be placed upon the current accuracy of the contents herein.

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GL/B-21:19 – 1640 Trinity Church Rd.

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

- 1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
- 2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
- 3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
- 4. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division Building Engineering Section).
- 5. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division Zoning Section).
- 6. The owner shall submit survey evidence that the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division Zoning Section).
- 7. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division –Building Engineering Section).

- 8. The applicant shall submit and receive final and binding approval of a Zoning Bylaw Amendment Application for the subject lands, in order to prevent any future residential development on the retained farm lot, to the satisfaction of the Manager, Development Planning Heritage & Design.
- 9. To the satisfaction of Director, Hamilton Water, the applicant shall provide a revised site plan that includes the delineation of a reserve leaching bed area to conform to Rural Hamilton Official Plan requirements. A reserve leaching bed is simply a duplication of the proposed leaching bed area placed elsewhere on the property in case it needs to be relocated in the future.
- 10. The existing right-of-way at the subject property is approximately 20.0 metres. Approximately 4.5 metres are to be dedicated to the right-of-way on Trinity Church Road, as per the Council Approved Rural Official Plan: Schedule C-1 Future Right-of-Way Dedications. Trinity Church Road (Golf Club Road to White Church Road/Binbrook Road East) is to be 30.480 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s). Should you require any further information, please contact tplanning@hamilton.ca. (Transportation Planning)

NOTE: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed (existing residential dwelling) will remain as 1640 Trinity Church Road (Glanbrook), and the lands to be retained (farm land) will be assigned the address of 1800 Trinity Church Road (Glanbrook).

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

GL/B-21:19 – 1640 Trinity Church Rd., Glanbrook

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Rural</u>

The purpose of this application is to convey a parcel of land containing an existing farm dwelling, being declared surplus as a result of farm consolidation and to retain a parcel of land for agricultural purposes and to become part of the farming operation contained on the non-abutting farm property known as 1511 Nebo Rd. Re-application of previous severance GL/B-19:35.

Severed lands:

Frontage: 75.7m[±] Depth: 132.1m[±] Area: 1ha[±]

Retained lands:

Frontage: 382.61m[±] Depth: 562.35m[±] Area: 35.8ha[±]

Provincial Policy Statement

The application has been reviewed against the policies that speak to lot creation within agricultural areas, namely Section 2.3.4.1 which speaks to farm severances as a result of surplus farm dwelling severances.

- "2.3.4.1 Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:
 - c) a *residence surplus to a farming operation* as a result of farm consolidation, provided that:
 - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
 - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective;"

As the proposal is to sever a residential lot in support of a non-abutting surplus far consolidation, the proposal is consistent with the Provincial Policy Statement.

Greenbelt Plan:

For lands falling within the Protected Countryside, the following policies shall apply:

"4.6 Lot Creation

- f) The severance of a residence surplus to a farming operation as a result of a farm consolidation, on which a habitable residence was an existing use, provided that:
 - i. The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and
 - ii. The planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered."

Rural Hamilton Official Plan:

The Rural Hamilton Official Plan designates the property as "Agriculture" in Schedule D – Rural Land Use Designations. The following policies, amongst others, are applicable:

- "F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agricultural, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D Rural Land Use Designations: a) Severances that create a new lot for the following purposes shall be prohibited:
 - i) Residential uses except in accordance with:
 - 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,
- F.1.14.2.8 An existing farm dwelling that is a residence surplus to a farming operation as a result of a farm consolidation may be severed provided all of the following conditions are met:

All Lands

a) In all cases where surplus farm dwellings are to be severed the following shall apply:

- The farm consolidation shall have been completed prior to the time of application.
- ii) The farm dwelling shall be determined to be surplus to the farm operation for no reason other than the farm dwelling is surplus to the needs of the farm consolidation. Farm dwellings that have been determined to be surplus to a farm operation prior to December 16, 2004 and prior to the acquisition of the additional farm parcel(s), or as a result of changing agricultural operations, are deemed not to be surplus farm dwellings for the purposes of Section F.1.14.2.8.
- iii) The proposed surplus farm dwelling:
 - 1) shall have been built on or before December 16, 2004; and,
 - shall be habitable on the date of the application for the surplus farm dwelling severance and shall meet the City's standards for occupancy without requiring substantial demolition and new construction.
- iv) The surplus dwelling lot shall be a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan. The maximum size of the surplus dwelling lot shall be the size required for servicing in accordance with Section C.5.1, with as little acreage as possible taken out of agricultural production;
- v) A private water well and private sewage disposal system shall be provided in accordance with Section C.5.1, Private Water and Wastewater Services of this Plan:
- vi) The shape and dimensions of the surplus farm dwelling lot shall:
 - not impair agricultural operations on the retained land; and 2. generally not exceed a depth of 122 metres (400 feet);
- vii) The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning Bylaw, and no such buildings or structures shall be used for industrial or commercial purpose

viii) Where a barn or other farm building exists within the immediate vicinity of the surplus residence, the City may require demolition of the barn.

Lands Not Merged in Title

- c) In cases of a farm dwelling made surplus as a result of acquisition as part of a farm operation that does not result in the merging in title of parcels of land, applications for severance of the surplus dwelling shall comply with the following conditions:
 - The owner and operator of the farm maintains an existing dwelling on land that is also part of the consolidated farm operation;
 - ii) The parcels of land comprising the consolidated farm operation shall generally be a minimum of 38.4 hectares (95 acres) in total in the Agriculture designation and 14.2 hectares (35 acres) in the Rural and Specialty Crop designations;
 - iii) The parcel of land from which the surplus dwelling is severed shall generally be a minimum of 8.1 hectares (20 acres) in size for lands designated Specialty Crop on Schedule D Rural Land Use Designations, or 16.2 hectares (40 acres) in size for lands designated Agriculture or Rural on Schedule D Rural Land Use Designations;
 - iv) Prior to granting of final consent, one of the following conditions shall be met for the retained farm parcel as a result of a surplus farm dwelling severance:
 - The land owner shall apply for and receive final approval to rezone the farm parcel to prohibit the construction of a dwelling unit; or
 - 2. The land owner shall grant in favour of the City, a restrictive covenant which prohibits the construction of any dwelling unit.

The subject lands is a 36.5 ha. farm parcel that is owned by the applicant who also operates a 90 ha farm located nearby at 1511 Nebo Road. The applicant is proposing to sever a residential dwelling from the farm parcel located at 1640 Trinity Church Road because it is surplus to the farm operation. Staff note that this application had been tabled at the April 11, 2019 Committee of Adjustment hearing due to the fact that the proposed size of the lot to be severed was a concern to source water protection. The applicant has

not submitted a revision to the proposal which would increase the lot size to 1.0 ha, as recommended by Source Water Protection. Planning defers further comments to Source Water Protection, regarding the proposed new lot size.

In regard to the retained farm lot, the lot size is 35.8 ha which is under the minimum lot size required for the farm parcels as a result of a surplus farm dwelling severance, although Staff recognize that the applicant exceeds the minimum lot requirement of 38.4 ha when considering the total farm operation area of about 90 ha which is under the applicant ownership. Accordingly, based on the above information, the proposed severance generally meets the intent of the RHOP regarding a farm consolidation severance, subject to a rezoning which will prevent the construction of a new residential dwelling on the retained farm lot. Therefore, staff support the subject consent application as it meets the intent of the Rural Hamilton Official Plan.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned A1 (Agriculture) Zone to which the proposed uses comply. The lot size of the lands to be severed meets the minimum required lot area and lot width in the Zoning By-law. As well, the proposed farm lot meets the minimum size required in the By-law.

<u>Archaeology</u>

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) Along historic transportation routes.

Advisory Note: These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application, which would normally require an archaeological assessment. This application is centred around an adjustment of property boundaries and will not result in significant soil disturbance. If this severance is granted the City does not require an archaeological assessment, but the applicant is advised that the City retains the authority to require an archaeological assessment for any future applications on the subject property under the Planning Act.

Cultural Heritage

The subject property is comprised of a circa 1896 two-storey brick farm house and barn of heritage interest and is included in the City's Inventory of Heritage Buildings.

The proponent proposes to convey a parcel of land containing an existing farm dwelling, being declared surplus as a result of farm consolidation and to retain a parcel of land for agricultural purposes and to become part of the farming operation contained on the non-abutting farm property known as 1511 Nebo Rd.

Notwithstanding that the subject property is included in the City's Inventory of Heritage Buildings, staff are of the opinion that the heritage attributes of the heritage property will be conserved as the historic buildings will remain. Staff have no further comments on the application as circulated.

Source Water Protection

Based on correspondence with the Committee of Adjustment office, Hamilton Water assumes the proposed severance is reflected in the sketch provided (lot dimensions of 75.7 m x 132.1 m, totalling 1 hectare in lot area). Provided this remains the case, we will be able to support the surplus farm dwelling severance.

As a condition of approval (to the satisfaction of Director, Hamilton Water), the applicant shall provide a revised site plan that includes the delineation of a reserve leaching bed area to conform to Rural Hamilton Official Plan requirements. A reserve leaching bed is simply a duplication of the proposed leaching bed area placed elsewhere on the property in case it needs to be relocated in the future.

While not a condition of approval, we also recommend to all private well owners to conduct regular well inspections and maintenance to ensure safety, and to regularly test their water for not only microbiological but chemical parameters (e.g. e. coli, nitrate, arsenic, fluoride, lead, and barium are common groundwater pollutants, most of which are naturally-occurring).

Recommendation

Based on the preceding information, the requested consent application maintains the general intent and purpose of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200. The severance is considered to be appropriate use of the property. In conclusion, Staff recommends that the application be **approved with conditions**.

CONDITIONS: (If Approved)

- 1. The applicant shall submit and receive final and binding approval of a Zoning Bylaw Amendment Application for the subject lands, in order to prevent any future residential development on the retained farm lot, to the satisfaction of the Manager, Development Planning Heritage & Design.
- 2. As a condition of approval (to the satisfaction of Director, Hamilton Water), the applicant shall provide a revised site plan that includes the delineation of a reserve leaching bed area to conform to Rural Hamilton Official Plan requirements.

Building Division:

- 1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department.
- 2. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
- 3. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
- 4. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with The Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.
- 5. A minimum lot area of 40.4 hectares is required to be provided for an Agriculture use. A variance for a reduced lot area for the lands to be retained will be required for zoning compliance.

CONDITIONS:

- 1. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division Building Engineering Section).
- 2. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division Zoning Section).
- 3. The owner shall submit survey evidence that the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division Zoning Section).
- 4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies

with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division –Building Engineering Section).

Development Engineering:

Development Approvals provided the following comments for previous application GL/B-19:35 which still apply:

The subject property is located on the west side of Trinity Church Road north of Guyatt Road.

This application proposes the conveyance of a 0.6718 ha. +/- parcel of land containing an existing rural farm dwelling and barn for continued residential purposes and to retain a 35.8 ha (+/-) for agricultural purposes to become part of an existing farm operation on a non-abutting farm property known as 1511 Nebo Road. There is a 50.6 Ac. Farm parcel under separate ownership located between the lands to be severed and retained on the west limit of the existing unopen road allowance which bisects these lands.

There are no municipal services on Trinity Church Road. According to the sketch there is an existing/proposed septic system located to the rear of the dwelling located on Trinity Church Road.

Trinity Church Road is to have an ultimate width of 30.48m (100 feet) at this location in accordance with *Schedule "C1"* of the Rural Hamilton Official Plan [RHOP]. A 15.21m (50 feet) setback from the original centreline of this roadway will be required.

The applicant/owner should be advised that they are responsible for all costs related to the preparation and registration of legal documents and a Reference Plan for the road widening.

Staff therefore has no objections to this consent request subject to the following condition:

 That the Owner dedicate to the City of Hamilton by deed, sufficient land along the frontage of the lands to be severed fronting on Trinity Church Road in order to establish the property line 15.21m (50 feet) from the original centreline of this roadway [Part 2, Plan 62R-21619].

Source Water Protection:

Based on correspondence with the Committee of Adjustment office, Hamilton Water assumes the proposed severance is reflected in the sketch provided (lot dimensions of 75.7 m x 132.1 m, totalling 1 hectare in lot area). Provided this remains the case, we will be able to support the surplus farm dwelling severance.

As a condition of approval (to the satisfaction of Director, Hamilton Water), the applicant shall provide a revised site plan that includes the delineation of a reserve leaching bed area to conform to Rural Hamilton Official Plan requirements. A reserve leaching bed is simply a duplication of the proposed leaching bed area placed elsewhere on the property in case it needs to be relocated in the future.

While not a condition of approval, we also recommend to all private well owners to conduct regular well inspections and maintenance to ensure safety, and to regularly test their water for not only microbiological but chemical parameters (e.g. e. coli, nitrate, arsenic, fluoride, lead, and barium are common groundwater pollutants, most of which are naturally-occurring).

Growth Planning:

NOTE: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed (existing residential dwelling) will remain as 1640 Trinity Church Road (Glanbrook), and the lands to be retained (farm land) will be assigned the address of 1800 Trinity Church Road (Glanbrook).

Transportation Planning:

Transportation Planning has no objection to the land severance application, provided the following conditions are met:

a. The existing right-of-way at the subject property is approximately 20.0 metres. Approximately 4.5 metres are to be dedicated to the right-of-way on Trinity Church Road, as per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications. Trinity Church Road (Golf Club Road to White Church Road/Binbrook Road East) is to be 30.480 metres.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

See attached for additional comments.



Stephen Clark, Urban Forest Health Technician Hamilton City Centre, 77 James Street North, Suite 400 Hamilton, On L8R 2K3 Phone (905) 546-2424 Ext. 4219, Fax (905) 546-4473 Email – Stephen.Clark@hamilton.ca

Forestry & Horticulture Section Environmental Services Division Public Works Department

Date: July 14,2021

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer

Development Planning

City Hall – 71 Main Street West – 5th Floor

From: Stephen Clark, Urban Forest Health Technician

Subject: 1640 Trinity Church Road, Glanbrook

Application Number: GL/B-21:19

Forestry has no concerns with this application.

Should you require clarification or technical assistance, please do not hesitate to contact me at (905) 546-2424 Ext. 7375.

Regards,

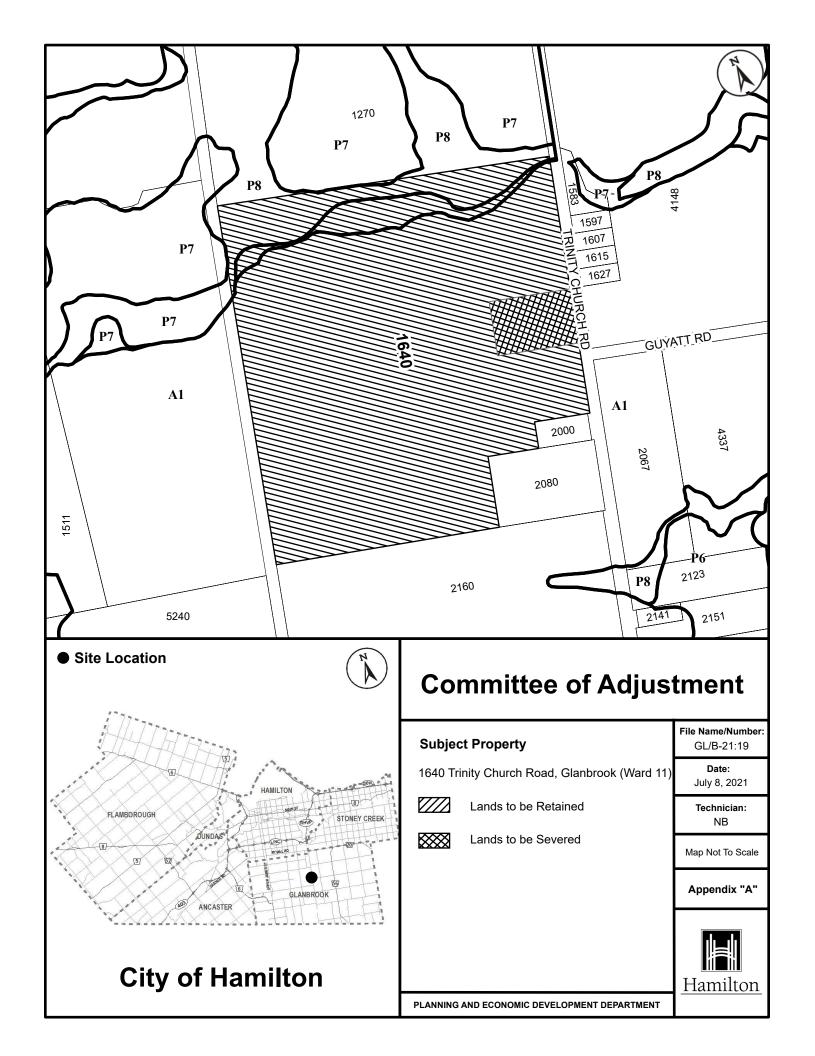
Stephen Clark

Urban Forest Health Technician

Stephens Clark

Hansra, Aman

From: Sent: To: Subject: Attachments:	Charles Wallace <filed@hotmail.ca> July 20, 2021 7:31 AM Committee of Adjustment Application Number GL/B-21:19 New Consent Application Form_Fillable May 25 2021.pdf</filed@hotmail.ca>				
Please be advised I believe there is an error in the application form for the above application.					
In looking at the agenda for the Committee of Adjustment for July 22, 2021					
When I open the attachments for the above application					
Page number 3 shows the correct drawing of the lot to be severed at 1 Hectare					
But the application form beginning at page 4 – DOES NOT APPEAR TO BE THE APPLICATION I EMAILED TO CofA@hamilton.ca on May 28, 2021					
The application attached to the agenda shows the proposed severed lot at 0.67 Hectare					
The application I sent on May 28, 2021 – SHOWS under section 4.1 the states the proposed severed lot to be 1.0 <u>HECTARE.</u>					
I have attached a copy of the application form sent to Cof A May 28, 2021.					
Thank you					
Regards					
Chuck Wallace					



AN/A-21:229 - 630 Trinity Rd. S., Ancaster

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

AN/A-21:229 – 630 Trinity Rd. S., Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Rural</u>

The purpose of this application is to permit the use of a Conference and Convention Centre to be also located outdoors as part of the Ancaster Fairgrounds operation.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as "Rural" in Schedule D – Rural Land Use Designations to which the use complies.

City of Hamilton Zoning By-law No.05-200

The subject property is zoned "A2, 143" (Rural) Zone which permits a "Conference and Convention Centre in existing building", to which the use complies.

Variance 1

The applicant is seeking a variance for a conference and convention centre to be located outdoors, whereas the Zoning By-law permit a conference and convention centre to be located indoors.

Staff note that the intent of the Conference and Convention centre to be located outdoors, is in line with recommendation by Health Canada, which recommend and support the moving of activities outdoors in order to help curb the spread of COVID-19. Therefore, the proposed variance is minor and supported by Staff, considering that Staff are satisfied the proposed variance will have no impact on the neighbouring properties. The variance is in keeping with the general intent and purpose of the City of Hamilton Zoning By-law No. 05-200, and for that reason is minor in nature and is desirable for the appropriate use of the property, Staff are **in support** of this variance.

Recommendation

Based on the preceding information, the requested variance maintains the general intent and purpose of the Rural Hamilton Official Plan as well as the City of Hamilton Zoning By-law No.05-200. The variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be **approved**.

Building Division:

1. The Zoning By-law provides the following definition for a Conference or Convention Centre.

Conference or Convention Centre shall mean an establishment, which is not a hotel, where facilities are provided for meetings, seminars, workshops, social gatherings cultural events and other similar activities including an Exhibition Facility, circus, and public hall. A Conference or Convention Centre may include dining facilities for the exclusive use of conference or convention participants, and the selling of goods related to the event.

- 2. Exception 143 to the A2 Zone currently restricts the use of the subject property to the following uses:
- i) Fairgrounds owned and operated by a non-profit Agricultural Society and shall only include the following:

A Fair or Circus
Agricultural Education Programs
Animal Shows and Training
Conference and Convention Centre in existing building
Recreation Auctions Farmer's Market

- 3. The applicant is applying for permanent relief to the A2, Exception 143 Zoning to also allow for outdoor events requiring temporary staging due to current COVID limitations for indoor events. In particular, the requested variance would allow for events such as the Canadian Music Association Festival and Awards in addition to other outdoor events.
- The parking arrangement for future outdoor events which is identified on the submitted plan is not required parking and has not been reviewed for zoning compliance.
- 5. The entertainment stage is a temporary structure and is not subject to the lot coverage requirements of the zoning by-law.
- 6. The variance is written as requested by the applicant.
- 7. Building Permit # 21-118756 submitted April 12, 2021 is under review for a temporary stage and remains not finalized. A building permit is required for the construction of any other temporary events stage on the property.
- 8. This property is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or

- interest. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit www.hamilton.ca/heritageplanning for further information.
- 9. Be advised that Ontario Building Code regulations may require specific setback and construction types.
- 10. Be advised that portions of the property are located within a floodplain area. Please contact the Grand River Conservation Authority at 519-621-2761 for further information.

Development Engineering:

Provided the existing drainage pattern is maintained, Development Approvals has no comments.

See attached for additional comments.

Hansra, Aman

From: sharon mikula <sdmikula@gmail.com>

Sent: July 18, 2021 6:24 PM **To:** Committee of Adjustment

Subject: APPLICATION NO.: AN/A-21:229

Committee of Adjustments

We have lived at 844 Trinity Road for the last 43 years. Our taxes have been paid faithfully every year. The disruptive and interference was brought to our attention last year in 2020 with the events held. The site for the events last year was several hundred meters away. This application is 60 meters from our home. We have both reached an age where this is not appealing or wanted. It is a human right to live a comfortable existence in our home. This right will be interfered with and is not acceptable. These events interfere with our privacy, over all safety and personal health.

Over the years they have had dog and horse shows where people have camped on the grounds very close to the property line. They are quite and keep to themselves. We are able to enjoy our property as there is no constant banging and base.

Wednesday July 14 they were practicing while I was on the phone inside my house and the person I was speaking to could hear it.

It is not just the day of the event it is approximately 3 days as they come prior to practice.

POINTS TO ADDRESS:

- 1) Noise last year there were four events and we are unsure if permits were taken out. We were unable to sit in our home and watch TV with the windows shut. Due to the noise the event organizer offered to send us away or the weekend and offered us dinner out. This prevents us for living a normal life in our house and being able to entertain our friends.
- 2) Trespassing When the Festival of Friends was hosted at 630 Trinity Road there were people all over our property. Hiding their booze and walking all over.
- 3) Over all safety of our property and our personal safety
- 4) Will no longer have the enjoyment of our property
- 5) Traffic these events cause complete havoc and the road is not built to take it. There have been many accidents between highway #2 and Book Road. The Traffic Dept. should be able to provide the states.

QUESTION TO BE ADDRESSED:

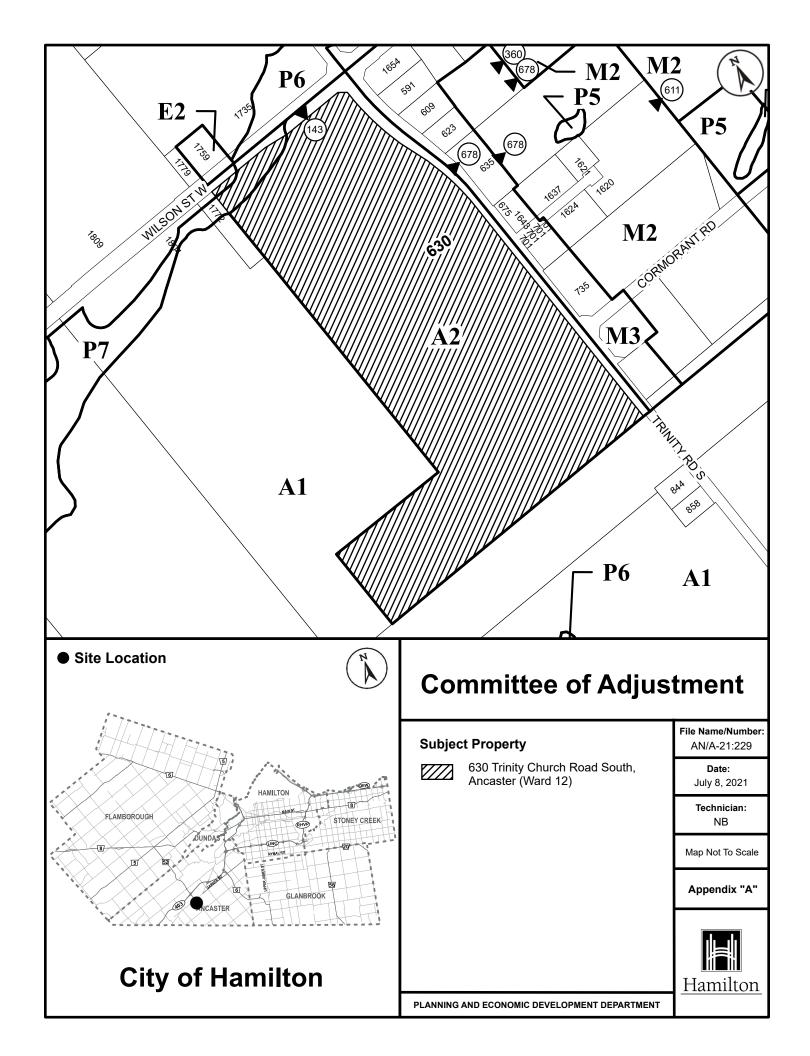
- 1) How many events per year?
- 2) Are they only outside due to Covid or will they continue to be outside?
- 3) Will they be putting up a sound barrier? {ex.row of mature trees not baby trees)

- 4) How will we be compensated for the loss of use of our house?
- 5) How can the City of Hamilton in good conscience make an amendment to zoning when it affects people's homes and makes them inhabitable and takes away their loss of enjoyment from their biggest investment.

Please respond with the City's responses to all the question's above in writing.

Sincerely,

Walt and Sharon Mikula



FL/A-21:231 – 4 Cedar St., Flamborough

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

FL/A-21:231 – 4 Cedar St., Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Rural</u>

The purpose of this application is to permit the addition of a roofed-over unenclosed porch at the front of the existing single detached dwelling.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as "Neighbourhoods: in Schedule E-1 – Urban Land Use Designations, to which the use complies.

Former Town of Flamborough Zoning By-law No. 90-145-Z

The subject lands are zoned "R1" Urban Residential (Single Detached) Zone, to which the use complies.

Variance 1 (Front Yard Encroachment)

The applicant is seeking a variance to permit a roofed-over unenclosed porch to be permitted to encroach a maximum of 3.45 metres into the required minimum front yard instead of the maximum 1.5 metre encroachment permitted.

Staff note that this variance is identified as a technicality due to the proposal to construct the roofed-over unenclosed porch to the existing single detached dwelling. In Staff's opinion, the proposed front porch maintains the intent of the Zoning By-law and the variance is addressing a pre-existing condition which will not have any negative impact on the adjacent property and the surrounding neighbourhood. Accordingly, **Staff support** the variance.

<u>Cultural Heritage</u>

The subject property comprises a circa 1964 dwelling included on the City's Inventory of Heritage Buildings and is included in the Village of Waterdown Inventoried Cultural Heritage Landscape.

The property is additionally located in an area of concentrated heritage interest. 4 Cedar Street is located adjacent to 16 properties included on the City's Inventory of Heritage Buildings, 6 of which are currently recommended for addition to the Register of Property of Cultural Heritage Value or Interest as non-designated properties.

The proponent proposes to construct a covered unenclosed porch at the front of the existing single detached dwelling.

Notwithstanding that the subject property is included on the City's Inventory of Heritage Buildings and is included in the Village of Waterdown Inventoried Cultural Heritage Landscape and within an area of concentrated cultural heritage resources, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the property will be conserved. Staff strongly encourage the use of compatible materials in the construction of the porch.

Recommendation

Based on the preceding information, the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and Former Town of Flamborough Zoning By-law No. 90-145-Z. The variance is considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be **approved**.

Building Division:

 A building permit is required for the proposed development. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

No comments.

Niagara Escarpment Commission:

4 Cedar Street (FL/A-21:231) falls within the Niagara Escarpment Plan (NEP) area but it is outside the area of Development Control therefore a NEC Development Permit will not be required. The site is designated Urban Area and NEC staff have no objection to the application.

See attached for additional comments.



July 15, 2021

City of Hamilton
Planning and Economic Development Department
71 Main St W
Hamilton, Ontario
L8P 4Y5

Attention: Samantha Costa

File# FL/A:21-231

Re: 4 Cedar St

In response to your correspondence dated July 7, 2021, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Existing overhead service is in conflict with proposed covered porch roof addition and will need to be relocated prior to construction. Contact ICI Group to review relocation options.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities respresentative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.

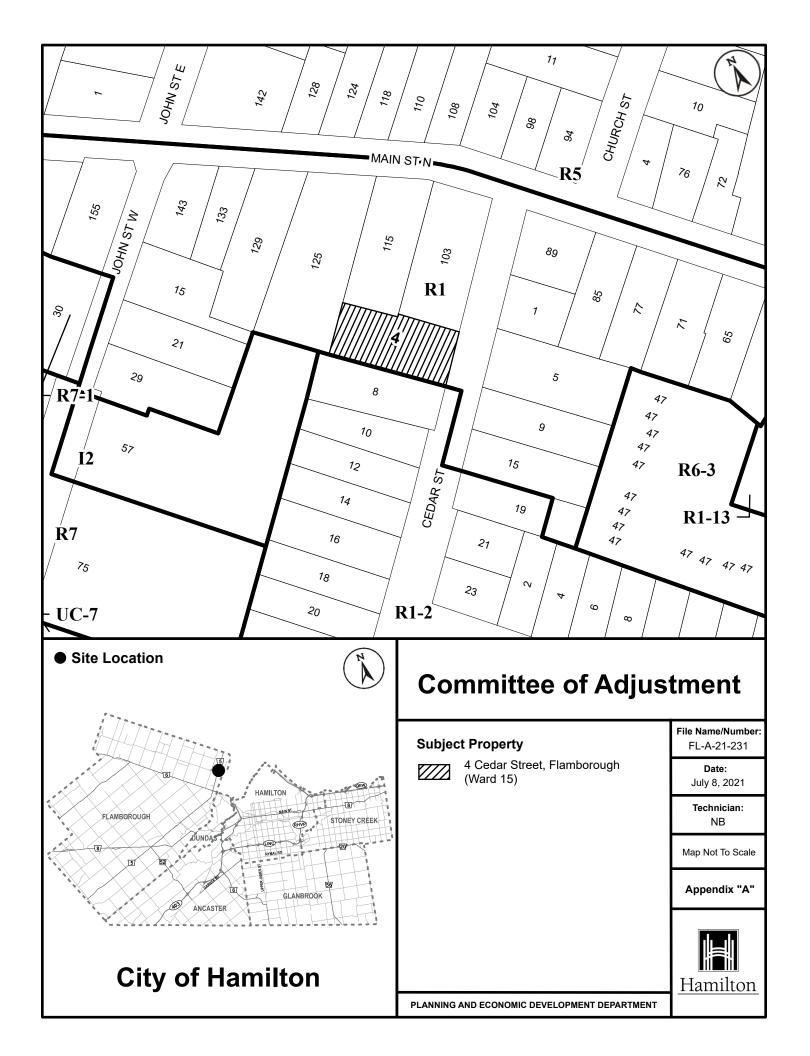
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski Supervisor, Design, Customer Capital



SC/B-17:90 – 117 Highland Rd., Stoney Creek

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

- 1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
- 2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
- 3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
- 4. The applicant shall submit and receive approval for a Tree Protection Plan, to the satisfaction of the Manager, Development Planning Heritage & Design.
- 5. That if any future development of any single-family dwellings is approved, Residential Access Permits will be required for the proposed driveways and culvert entrances. The applications are available from the Parking Investigation at the Hamilton Municipal Parking System (905-546-2424 x4578).
- 6. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2021 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, sidewalks, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. All to the satisfaction of the City's Manager of Development Approvals.

7. That the Owner agrees to engage a qualified professional to investigate and determine whether Karst features exist on the subject lands. In the event that a Karst feature or sinkhole is determined to exist or otherwise encountered, appropriate construction techniques to stabilize the area to avoid negative impacts shall be undertaken including any remedial works, as recommended, be implemented, to the satisfaction of the Director of Development Engineering.

NOTE: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Part 2) will remain as 117 Highland Road West (Stoney Creek), and the lands to be conveyed (Part 1) will be assigned the address of 119 Highland Road West (Stoney Creek).

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

SC/B-17:90 – 117 Highland Rd., Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Rural</u>

The purpose of this application is to permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes.

Severed lands:

Frontage: 17.68m± Depth: 45.72m± Area: 808.1m2±

Retained lands:

Frontage: 17.68m± Depth: 45.72m± Area: 808.1m2±

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS), namely the Settlement Areas policies 1.1.4 and 1.1.5. Staff are of the opinion that the application is consistent with the policies that manage growth and regeneration within settlement areas.

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations and are designated "Low Density Residential 2b" within the West Mountain Heritage Green Secondary Plan. The proposed single detached dwelling on each lot is a permitted use.

This designation allows single detached dwellings, duplex and semi-detached dwellings, with a maximum density of 29 units per net residential hectare. The density is approximately 12.6 units per hectare for the proposed two residential building lots and therefore would comply with the density.

Consent Policy F.1.14.3.1 in the Urban Hamilton Official Plan states:

"Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;
- b) The lots comply with existing Neighbourhood Plans;
- The lots are in conformity with the Zoning By-law or a minor variance is approved;
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- e) The lots are fully serviced by municipal water and wastewater systems; and,
- f) The lots have frontage on a public road."

The proposed severance is in conformity with the Secondary Plan and Zoning By-law as noted in the zoning review below. Additionally, the proposed severance reflects the general character and scale of the established development pattern and has frontage on a public roadway. In addition, the lots are fully serviced by municipal water and wastewater systems.

General Residential Intensification Policy 2.4.1.4 states:

- "Residential intensification developments shall be evaluated based on the following criteria:
- a) a balanced evaluation of the criteria in b) through g) as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;

- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 –Urban Structure;
- e) infrastructure and transportation capacity; and,
- f) the ability of the development to comply with all applicable policies."

The proposed severance proposes a development that would maintain the existing neighborhood character and will build upon the desirable established patterns and forms since the proposed severance is creating two lots that are similar in comparison to the surrounding lots on Highland Road West. In addition, the proposal will be a compatible integration of development in terms of scale, form and character. Planning staff defer comments with regard to the drainage to Development Engineering Staff.

Volume 2, Policy 7.6.2.2. of the West Mountain Heritage Green Secondary Plan states:

- a) Low Density Residential 2b designation:
 - i) the permitted uses shall include single detached dwellings, duplex and semi-detached dwellings; and,
 - ii) the density shall not exceed 29 units per net residential hectare.

The proposed severance represents approximately 12.6 units per net residential hectare for two single detached dwellings and therefore, meets the above noted policy.

Stoney Creek Zoning By-law No. 3692-92

The lands are zoned Single Residential "R2" Zone in Stoney Creek Zoning By-law No. 3692-92. The lands to be conveyed and retained meet the minimum lot frontage and area requirements under the By-law.

Staff note that the existing dwelling will be demolished, and two new dwellings will be constructed on the two new lots proposed in this application. Based on the foregoing, staff support the application.

Source Water Protection

Provided the applicant connects to municipal water/wastewater services, we have no comments. Hamilton Water was unable to locate their application form from the circulation where the proposed/sever lots typically describe water/wastewater servicing. We defer review of the applicant's Karst Assessment to the appropriate PED/Conservation Authority staff.

Recommendation

Based on the preceding information, generally the severance application does meet the intent and purpose of the Urban Hamilton Official Plan as well as the Stoney Creek Zoning By-law No. 3692-92. However, Planning Staff understand that there is an ongoing drainage and flooding study initiated by the Development Engineering department. The subject study may have an impact on the outcome of this severance, therefore Staff defer to Development Engineering in order to confirm if the subject lands fall within this area of study and if there are any conditions which may be applicable as a result of the study. As of the writing of this report, Planning staff have not received confirmation from Development Engineering if or how the study impacts the severance application; therefore, Staff recommends that this application is <u>tabled</u> until a confirmation is received from the Development Engineering Section.

Should the Committee approve the application, staff require the following conditions be added to the application:

- 1. The applicant shall submit and receive approval for a Tree Protection Plan, to the satisfaction of the Manager, Development Planning Heritage & Design.
- That if any future development of any single-family dwellings is approved, Residential Access Permits will be required for the proposed driveways and culvert entrances. The applications are available from the Parking Investigation at the Hamilton Municipal Parking System (905-546-2424 x4578).

Building Division:

- The applicant should obtain an appropriate municipal address for the proposed parcel from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
- 2. The current R2 zoning district permits the use of a single detached dwelling only. The applicant may wish to ensure that the proposed uses for the lands to be conveyed and retained are permitted.

Development Engineering:

Information:

The subject property is located on the south side of Highland Road West between Leckie Avenue and Aubrey Street.

This application proposes the conveyance of a 808.1 sq. m (+/-) parcel of land for residential purposes and to retain a 808.1 sq. m (+/-) parcel of land which will contain an approved residential dwelling unit.

According to our records, the subject section of Highland Road West is classified as a collector roadway with an ultimate right-of-way width of of 26.21m [86 feet] by the Urban Hamilton Official Plan. The current right of way width of the subject section of Highland Road West is ±26m. Therefore, a road allowance widening dedication will not be required.

According to our GIS records, the existing municipal services front the subject property as follows:

Highland Road West

- 1. 375mmø Sanitary Sewer
- 2. 200mmø Watermain
- 3. 375mmø Storm Sewer

Recommendations:

- 1. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2021 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, sidewalks, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. All to the satisfaction of the City's Manager of Development Approvals.
- 2. That the Owner agrees to engage a qualified professional to investigate and determine whether Karst features exist on the subject lands. In the event that a Karst feature or sinkhole is determined to exist or otherwise encountered, appropriate construction techniques to stabilize the area to avoid negative impacts shall be undertaken including any remedial works, as recommended, be implemented, to the satisfaction of the Director of Development Engineering.

Source Water Protection:

Provided the applicant connects to municipal water/wastewater services, we have no comments. Hamilton Water was unable to locate their application form from the circulation where the proposed/sever lots typically describe water/wastewater servicing.

We defer review of the applicant's Karst Assessment to the appropriate PED/ Conservation Authority staff.

Growth Planning:

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Part 2) will remain as 117 Highland Road West (Stoney Creek), and the lands to be conveyed (Part 1) will be assigned the address of 119 Highland Road West (Stoney Creek).

Transportation Planning:

Transportation Planning has no objection to the land severance application.

See attached for additional comments.



Stephen Clark, Urban Forest Health Technician Hamilton City Centre, 77 James Street North, Suite 400 Hamilton, On L8R 2K3 Phone (905) 546-2424 Ext. 4219, Fax (905) 546-4473 Email – Stephen.Clark@hamilton.ca

Forestry & Horticulture Section Environmental Services Division Public Works Department

Date: July 14,2021

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer

Development Planning

City Hall – 71 Main Street West – 5th Floor

From: Stephen Clark, Urban Forest Health Technician

Subject: 117 Highland Road West, Stoney Creek

Application Number: SC/B-17:90

PREAMBLE

In response to your Agenda listing for the upcoming meeting on May 20,2021, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.

No Landscape plan required.

Forestry has no concerns or conditions regarding this application.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY

 There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.

- No Landscape plan required.
- Forestry has no concerns or conditions regarding this application.

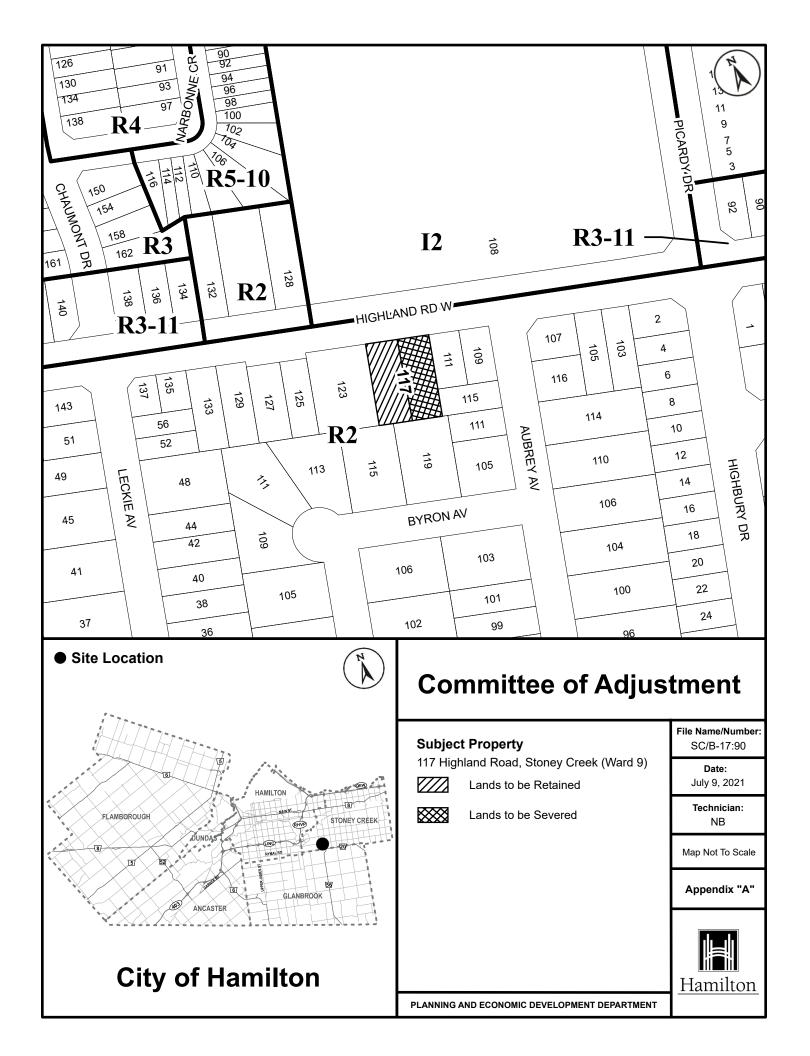
We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 7375.

Regards,

Stephen Clark

Urban Forest Health Technician

Stephens Clark



HM/A-21:232 – 44 Malton Dr., Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).

HM/A-21:232 – 44 Malton Dr., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Suburban</u>

The purpose of this application is to permit the construction of a 1.5-storey single detached dwelling upon the demolition of an existing single detached dwelling on the subject lands, notwithstanding that variances are required to permit the proposed 1.2 m minimum westerly side yard and to permit the existing accessory structure to remain on the subject lands throughout the demolition and construction.

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Policy E.3.4.3 applies, amongst others, and permits a single detached dwelling. The proposal to construct a new single detached dwelling upon the demolition of the existing dwelling maintains the intent of the Official Plan.

Cultural Heritage:

<u>Archaeology</u>

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) In the vicinity of distinctive or unusual landforms; and
- 2) In areas of pioneer EuroCanadian settlement.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this variance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment of the note following the recommendation.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned "B" District (Suburban Agriculture and Residential, Etc.) which permits single detached dwellings, subject to the applicable provisions. A minimum side yard of 3.0 m is required. Accessory structures are not permitted on a lot with no principal structure.

Variance 1

A minimum westerly side yard of 1.2 m is proposed, whereas a minimum side yard of 3.0 m is required by the Zoning By-law. The intent of the zoning provision is to ensure that a sufficient buffer is maintained between the structures on adjacent properties. It also ensures that there is enough space within the yard to support on-site drainage, access to rear yards, and enhance privacy for the adjacent lands.

The proposed 1.2 m minimum westerly side yard will accommodate a bump out in the house design while the main façade is proposed to be set back 1.90 m. The proposed side yard is consistent with the side yards of the residential dwellings on redeveloped lots along the street and maintains the neighbourhood character. Staff is satisfied that the proposed setback provides adequate space for access and maintenance purposes, and that the reduced side yard to allow the new dwelling will have negligible impact on the adjacent properties.

Variance 2

The existing accessory structure (detached garage) at the rear of the property is proposed to remain throughout the proposed demolition and construction of a new dwelling, whereas accessory structures are not permitted on a lot with no principal structure. Since the proposal is to construct a new dwelling upon demolition of the existing dwelling and there will only be a short time when there is no primary structure on the lot, staff supports the variance to permit the accessory structure to remain on the lot throughout the proposed redevelopment.

Recommendation:

Having regard for the matters under subsection 45(1) of the *Planning Act*, staff is satisfied that the requested variances maintain the purpose and intent of the Official Plan and the Zoning By-law. The variances are desirable for the appropriate development of the land, and minor in nature. Staff recommends that the requested variances, as outlined in the Notice of Hearing, be **approved**.

NOTE:

Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development

Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).

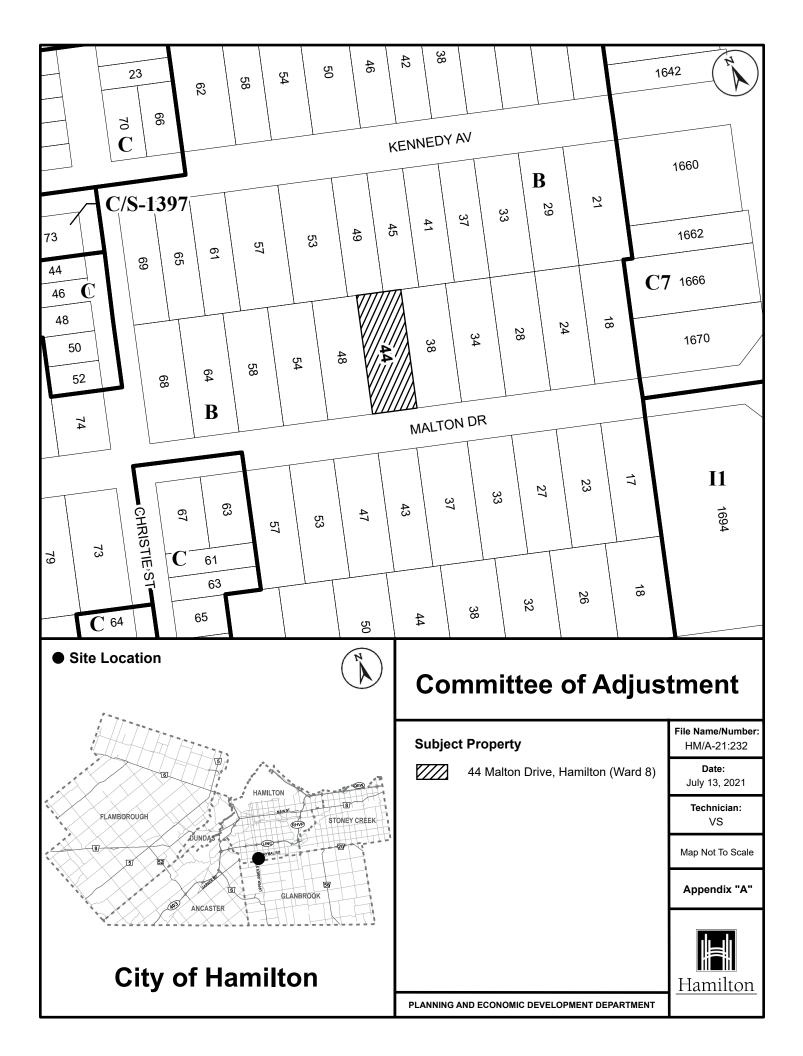
Building Division:

- The property is currently occupied by an existing single storey bungalow and detached garage. The existing garage was constructed following the issuance of Building Permit 19-134101 on August 18, 2019.
- 2. The variance for the westerly side yard is to accommodate a bump out (wall projection) in the design of the proposed single family dwelling.
- 3. The requested variance for the side yard is written as requested by the applicant. An additional variance has been included through the review to address the retention of the garage on the property.
- 4. The eaves /gutter projection into the westerly side yard would conform to the Zoning By-law providing the requested variance for the reduced side yard is approved (Variance #1).
- 5. The Zoning By-law requires parking for a single family dwelling to be based on 2 spaces for the first eight (8) habitable rooms and 0.5 parking spaces for each additional habitable room. The number of habitable rooms has not been identified to determine parking for the proposed dwelling, however, based on the site plan, multiple parking spaces can be accommodated.
- 6. A building permit is required for the construction of the proposed single family dwelling.
- 7. A demolition permit is required for the demolition of the existing single family dwelling.
- 8. Be advised that Ontario Building Code regulations may require specific setback and construction types

Development Engineering:

Provided the existing drainage pattern is maintained, Development Approvals has no comments.

See attached for additional comments.



HM/A-21:234 – 7 Easter Crt., Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

HM/A-21:234 – 7 Easter Crt., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Suburban</u>

The purpose of this application is to permit the construction of a roofed-over unenclosed porch at the rear of the existing single detached dwelling, notwithstanding that a variance is required to permit the proposed 0.8 metre minimum westerly side yard setback.

The variance to permit an increase to the permitted eaves encroachment into the side yard was replaced with the variance to permit a reduced side yard, as per comments from the Building Division – Zoning Section.

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Policy E.3.4.3 applies, amongst others, and permits a single detached dwelling. The proposal to construct a covered patio at the rear of the existing single detached dwelling maintains the intent of the Official Plan.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned "D/S-402" District (Urban Protected Residential – One and Two Family Dwellings, Etc.), which permits single detached dwellings, subject to the applicable provisions.

Variance 1

A minimum westerly side yard setback of 0.8 m is proposed, whereas a minimum side yard setback of 1.2 m is required by the Zoning By-law. The intent of the zoning provision is to ensure that a sufficient buffer is maintained between the structures on adjacent properties. It also ensures that there is enough space within the yard to support on-site drainage, access to rear yards, and enhance privacy for the adjacent lands. (Staff defers to Development Engineering Approvals for comments related to drainage issues).

The side yard setback of the existing dwelling is 0.81 m. As the proposed ground-level covered porch meets the minimum rear yard setback requirements and will be no closer to the side lot line than the existing dwelling, staff is of the opinion that the reduced setback in the side yard to allow the covered porch will have negligible impact on the adjacent property.

Recommendation:

Having regard for the matters under subsection 45(1) of the *Planning Act*, staff is satisfied that the requested variance maintains the purpose and intent of the Official Plan and the Zoning By-law. The variance is desirable for the appropriate development of the land, and minor in nature. Staff recommends that the requested variance, as outlined in the Notice of Hearing, be **approved**.

Building Division:

- 1. The notice should be altered to delete from the preamble the words "rear canopy" and replace it with "roof over unenclosed porch at the rear of". The preamble should read as follows:
 - To permit the construction of a proposed roof over unenclosed porch at the rear of the existing single-family dwelling notwithstanding that;
- 2. The notice should be altered to delete variance # 1 entirely and replace it with the following:
 - A minimum 0.8 m side yard width shall be provided from the westerly lot line to the eave of the proposed roof over unenclosed porch at the rear of the existing single-family dwelling instead of the minimum required side yard width of 1.2 m.
- 3. The Notice should be altered to include the following in the notes:
 - The variance has been written based on the minimum required side yard width for the principle building as no encroachments are allowed onto the side yard.
- 4. Subject to the issuance of a building permit in the normal manner.

Development Engineering:

The existing side yard setback from the dwelling and property line is 0.80m. **Provided the existing drainage patterns are maintained**, Development Engineering Approvals have **no concerns** with the proposed canopy.

See attached for additional comments.

From: Dana Salameh <dana_salameh726@yahoo.com>

Sent: July 15, 2021 12:57 PM **To:** Committee of Adjustment

Subject: HM/A-21: 234

To whom it may concern,

My name is Dana Salameh, I'm a registered nurse and I reside at 11 Easter Court. I received a notice of public hearing regarding the permit to construct a rear canopy at 7 Easter Court. My direct neighbor.

My main concerns are: will this canopy block all natural light from entering through our kitchen sink window? We currently have a nice bright and airy view of the sky, will that be lost to only view a wooden wall blocking all else?

Both an immensely difficult situation to be forced upon us.

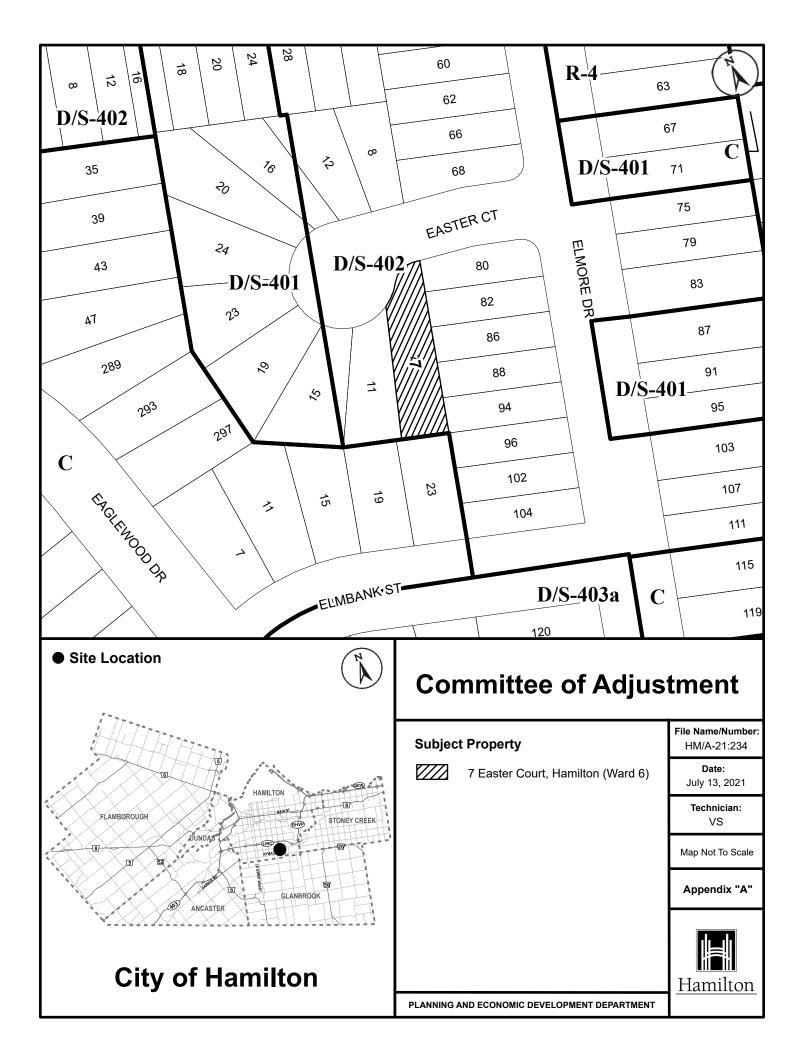
My resistance to this plan is as follows. Our kitchen window would be covered from any natural light due to the canopy. This would be an extreme inconvenience on my family as natural light is an important part of our health and well-being. My mother whom lives at the above residence as well, is on disability as she suffers from physical pains, depression and anxiety and therefore natural light is essential to her daily life. Also as she no longer works due to these disabilities, she has picked up hobbies in the kitchen. Therefore, having the window completely blocked off to see anything, would change the ambiance of her comfort place. We could provide medical information in accordance to our claim if needed from her doctor.

I would like my written comments to be submitted to the committee of adjustments on the matter of HM/A-21: 234, address 7 Easter Court, Hamilton L8W 2A9

If you have any further questions, please feel free to contact me through email or phone 289-489-2629. Thank you!

Kind Regards, Dana Salameh

Sent from Yahoo Mail on Android



HM/A-21:218 – 16 Cloverhill Rd., Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

HM/A-21:218 – 16 Cloverhill Rd., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Suburban</u>

The purpose of this application is to permit the conversion of an existing single detached dwelling to a residential care facility for the accommodation of five residents, notwithstanding the following variances are required:

- The tandem parking arrangement shall be permitted to obstruct parking for one of the two required parking spaces without a manoeuvring space, whereas parking for a residential care facility shall be unobstructed with the provision of manoeuvring spaces, and,
- 2. Parking shall be permitted to be located in the front yard whereas front yard parking is not permitted.

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). A residential care facility which provides housing with support for people to live independently in the community, is permitted within the designation in accordance with Neighbourhoods Designation – General Policies, Policy E.3.2.3. The proposal to convert the existing single detached dwelling to a residential care facility maintains the intent of the Official Plan.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned "C" District (Urban Protected Residential, Etc.) which permits a residential care facility for the accommodation of not more than six (6) residents, subject to the applicable provisions.

Variances 1 & 2

Two tandem parking spaces are proposed in the existing driveway within the front yard, whereas parking spaces are not permitted in the front yard, are required to be unobstructed, and required to have 6 m of manoeuvring space from the street. It is staff's understanding that the tandem parking spaces are proposed to serve the staff of the residential care facility. Staff of the care facility would be able to arrange and stage the parking of vehicles without disruption. There are no changes proposed to the existing driveway.

Residential care facilities are permitted in zones that permit single detached dwellings to allow the residents of these homes to be an integral part of the community. The proposed parking arrangement on the existing driveway is typical of the streetscape. Despite the conversion of this dwelling to a residential care facility, no exterior changes are proposed. Therefore, this dwelling will continue to blend harmoniously and maintain the character of the neighbourhood. In order to meet the parking requirements of two 2.7m by 6.0m unobstructed parking spaces each with an additional 6m of manoeuvring space, a portion of the building would need to be demolished and the driveway enlarged. An enlarged driveway would be out of character with the area. Staff supports the variances to facilitate the conversion of the existing single detached dwelling to a residential care facility without modifications to the existing parking layout.

Recommendation:

Having regard for the matters under subsection 45(1) of the *Planning Act*, staff is satisfied that the requested variances maintain the purpose and intent of the Official Plan and the Zoning By-law. The variances are desirable for the appropriate development of the land and minor in nature. Staff recommends that the requested variances, as outlined in the Notice of Hearing, be **approved**.

Building Division:

- 1. The variances are written as requested by the applicant.
- 2. Variance #1 would require moving one of the vehicles in order to provide accessibility for the second vehicle due to the tandem parking arrangement.
- 3. The Zoning By-law defines a Residential Care Facility as:

Residential Care Facility means a group living arrangement, within a fully detached residential building occupied wholly by a minimum of four supervised residents and a maximum number of supervised residents as permitted by the district, exclusive of staff, residing on the premises because of social, emotional, mental or physical handicaps or problems or personal distress and that is developed for the well being of its residents through the provision of self-help, guidance, professional care and supervision not available in the residents own family, or in an independent living situation or if:

- (i) the resident was referred to the facility by hospital, court or government agency; or
- (ii) (the facility is licensed, funded, approved or has a contract or agreement with the federal, provincial or municipal governments. A residential care facility is not considered as an emergency shelter, lodging house, corrections residence, correctional facility or retirement home.

- 4. The C District permits a residential care facility for the accommodation of up to 6 persons.
- 5. The C District requires a 300m radial separation distance between a residential care facility and another lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility. The proposed residential care facility complies with this requirement.
- 6. Building Permit # 21-107632, submitted on February 11, 2021 for a change of use from a single family dwelling to permit a 5 bedroom residential care facility, remains under review and is not finalized.
- 7. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

No comments.

See attached for additional comments.

From: Roland Weiler <RWEILER7@COGECO.CA>

Sent: July 12, 2021 9:30 AM **To:** Committee of Adjustment

Subject: Notice of public hearing, application HM/A-21:218

According to the plan attached to this application, there is a planned parking space in front of the house at 16 Cloverhill Rd., Hamilton. This is close to our house at 37 Mercer St., Dundas, so that we walked to the house. From inspecting the front yard, which slopes toward the street, it seems that it will be necessary to pave it to create space for parking and access. If so, should not the plan include this aspect as it seems that more than a minor variance will be needed?

R.R. Weiler 37 Mercer St Dundas, ON L9H 2N8

905-627-3856

From: gwpb@rogers.com

Sent: July 13, 2021 6:59 PM

To: Committee of Adjustment

Subject: Application HM/A-21:218 16 Cloverhill Road

Good evening

I am absolutely opposed to this variance application. I have lived on this street for 25 years and it has become a disgrace with unkept rental houses and properties that are not looked after. I have a handicapped visually impaired daughter that cannot navigate sidewalks due to un-shoveled sidewalks and cars parked across sidewalks due to the density of rental units. We also have issues with shopping carts, unkept lawns and noise. There are also several multi-unit group homes on Brantdale which are a mess. Cloverhill Road is a very narrow street and parking is an issue especially on switch-over days. Let me know what the next step is so my voice is heard on July 22nd.

Gary Brown 51 Cloverhill Road 905-979-4925

From: Pat Ward <patward54@yahoo.com>

Sent: July 14, 2021 1:05 PM

To: Committee of Adjustment; ward8office@hamilton.ca

Subject: 16 Cloverhill Road Hamilton

Good Afternoon Jamila

I am responding to your letter regarding a plan to have a dwelling at 16 Cloverhill Road turned into a residential care facility to accommodate five persons. We have watched as physical changes have been made to this house over the past few months. I imagine that you are not seeking anyone's opinion about this change as it appears to be a 'done deal'. I would appreciate having more information about the resident population. I'm not convinced that a family oriented neighbourhood is the best place for such a facility.

The parking on this street has time limits and is frequently jammed with vehicles from Mohawk College and St. Joseph's Health Facility. It is also fairly narrow and I would not like to see increased traffic.

If there is an opportunity for discussion We, as neighbours would like to be included. We have sent an email to our councillor John Paul Danko.

Sincerely
Pat & Al Ward
66 Arcade Crescent
905-383-3717

Sent from Yahoo Mail for iPad

From: Wojewoda, Nikola
Sent: July 14, 2021 2:47 PM

To: 'gwpb@rogers.com'; Sheffield, Jamila

Subject: CofA for 16 Cloverhill Rd RE: Gary Brown, 51 Cloverhill Rd, L9C 3L6 / SOUTHAM

Hello Gary,

Please note it is important that, as per process, you address your application comments to Committee of Adjustment. The information is on the Notice.

Via this email I will forward.

Hello Jamila,

Please see comments below.

Warm Regards,

Nikola Wojewoda

(prn: NI-kuh-lah VOY-e-Voh-da)

She/Her

Executive Assistant to Councillor John-Paul Danko

Ward 8, West Central Mountain

Ward8@hamilton.ca Phone: 905-521-3958

Nikola.Wojewoda@hamilton.ca

From: gwpb@rogers.com

Sent: Tuesday, July 13, 2021 11:11 PM

To: Wojewoda, Nikola

Subject: FW: 16 Cloverhill Road variance

Good evening Nikola,

I just found out that 16 Cloverhill Road has applied for a variance to allow a Residential Care Facility. This is absurd with the number of rental properties on this street. I would also challenge the 300 meter radial separation because there are other houses on this street that are occupied by more than 4 or 5 people in one house. I can count at least 4 or 5 on this street. They may not be defined as residential care facilities but they house too many people in one house and it has created many issues on this street including:

- Un-shoveled sidewalks in winter
- Unkept lawns and garbage on properties
- Cars parked on lawns and across sidewalks
- Noise issues
- Parking problems due to narrow street especially on changeover days

This approval will contribute to the overall decline of this neighbourhood due to the density of rental properties on Cloverhill Road which is probably around 50%. I have sent my issues to the city committee.

Regards,

Gary Brown 51 Cloverhill Road

From: Kate <kathinurget@bell.net>
Sent: July 14, 2021 3:42 PM

To: Committee of Adjustment
Subject: Application # HM/A-21:218

I am writing to dispute the application by Kevin Maynard. I live directly across the street at #15 Cloverhill Rd. I understand he would like additional parking but, even if you grant him his request our street is already past the tipping point with parking. If he gets this parking variant I am assuming he will be allowed to open his business of home care for the elderly. His front yard parking lot does not include the POA's that I assume will attend, ambulances, delivery trucks & access for family & friends to visit, Our street is filled with to capacity with cars daily, what with Mohawk College students & staff & visitors from the St. Joes hospital at West 5th & Fennell. Our neighbourhood contains many young children including directly beside & across the street from his proposed parking lot. When I purchased my home over 30 years ago it was with the specific purpose of living in a nice, residential neighbourhood. That is why I didn't choose a commercial area. At my house alone there are 4 vehicles plus the cars of friends & visitors that can never find a place to park. I am curious to know why we the neighbours were not advised that Mr.Maynard planned to open a business on our street in the first place, just because it has "Residential" in it's title it is still a "for profit" business. He should have chosen a property that would better serve his requirements. It represents poor planning on his part. I hope you will seriously consider my objections.

From: Bob Bart <bobbart54@gmail.com>

Sent: July 16, 2021 5:58 PM **To:** Committee of Adjustment

Subject: Re; Permit to convert single family dwelling (16 Cloverhill Road, Hamilton, ON) to

Residential Care Facility - Application # HM/A-21:218

To: Jamilla Sheffield, Committee of Adjustment, (et al):

With regard to the conversion of 16 Cloverhill Road, Hamilton, On. \sim Application # HM/A-21:218, as proposed by the Applicant, Mr Kevin Maynard \sim I have some concerns about the Parking provisions as described in the Committee's Notice of July 6 / 2021.

As a long-time resident of Cloverhill Road - from September 30 / 1980 to Present - I have witnessed this street (and the adjacent neighborhood) transition from a Family-based area of Single-dwelling homes into an area largely dominated by Student Residents, thanks to the proximity of both the Mohawk College Fennell Street Campus and the new St. Joseph's Healthcare Facility. It is my opinion as a permanent

Tax-Paying resident of this Street, that our street-parking limit has not only been reached, but is nearing over-saturation - AND that Mr Maynard's proposal of " Tandem Parking " will only serve to confuse &

impact our existing problem; visitors will need to move in order to accommodate each other in accessing the available parking allotments and - by necessity - move into (and likely remain in occupation of - for the duration of their visits) - the limited existing street-parking spots.

In addition to this issue, there is the matter of increased traffic-flow in a neighborhood with a number of minor children. Cloverhill road is already subjected to overflow traffic from West 5th Street during rush-

hour periods and is used by the City of Hamilton's Snow-plows as a turnaround point during the Winter Season - AND - as the City's Parking Authority can surely attest, the quantity of Parking Tickets handed out on a daily basis for vehicles occupying the WRONG SIDE OF THE STREET - in accordance to the City of Hamilton's bi-monthly street-side parking regulations - the aforementioned vehicles illegal parking presents a challenge to the navigation of both passenger-vehicles and service-vehicles, such as trash removal and maintenance.

One can ALSO assume an increase in Emergency Vehicles, due to the needs of Elderly Residents - contributing to an even greater confusion of access, space-requirements and street-passage, and

- as I have already mentioned, our street is home to a large number of Students, - there are at least FIVE dwellings with an average of four vehicles on each modified driveway - and this situation usually ensures a good deal of spill-over to the already-saturated street-parking limit!

It is my opinion that the Zoning of Cloverhill Road - whether it is semi-commercial or not - has ALREADY been stretched to the limit of it's reasonable accommodation - thanks to the abundance of rental units allowed by the City of Hamilton.

- I, for one, am opposed to the requested variance.

Yours Truly, C. Robert Bart 23 Cloverhill Road, Hamilton, ON. L9C 3L6

From: (null) MATER < jmater@rogers.com>

Sent: July 13, 2021 3:01 PM **To:** Committee of Adjustment

Cc: Ward 8 Office; johnpaul.danko@hamilton.ca

Subject: Application HM/A-21:218, 16 Cloverhill Road, July 22, 2021

Good Afternoon

I was circulated a notice of public hearing regarding this variance application and hearing. I do not support the approval of this variance, Cloverhill Road already has at least three residences on it with the same or similar use (legal or not, I don't know), and I would challenge the 300m radial separation claim asserted in point 5 of the application. Whether or not the locations within this radius are legal residential care facilities, emergency shelter, corrections residence or correctional facilities I do not know.

The lack of proper maintenance, additional vehicles, long grass etc all contribute to the degradation of the neighbourhood. This use, in a house of that size, is not appropriate for unrelated individuals. The potential for five or six additional vehicles with space for two at best is not acceptable. Between student housing, unmaintained rentals and the condition of the street itself, this neighbourhood already supports more than its fair share of this type of use.

Please do not approve this variance.

John Mater

From: Bob Bart <bobbart54@gmail.com>

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Residential Care Facility - Application # HM/A-21:218

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- I, for one, am opposed to the requested variance.

Yours Truly, C. Robert Bart 23 Cloverhill Road, Hamilton, ON. L9C 3L6 Committee of Adjustment City Hall 5th Floor 71 Main St West Hamilton ON L8P 4Y5 Sent via email and drop box

Application # HM/A-2A:218

July 16, 2021

As the resident family and owner of 121 Gateview Dr, please accept this letter as an official dispute to Kevin Maynard's Application # HM/A-2A:218 12 Cloverhill Rd, Hamilton for a number of reasons listed below.

- Cloverhill Rd and Gateview Dr already have a parking problem for residents and their guests
 with the abundance of cars from Mohawk and the hospital. A commercial business will only add
 to the volume of parking and traffic for servicing a commercial establishment between the
 employees, deliveries and visitors.
- This neighbourhood is full of young families with children, the last thing our street needs is more traffic for any sort of business.
- Instead of attracting more cars and traffic, what is really needed is a 3 way stop and or speed bumps on Gateview Dr and Cloverhill Rd to deter the speeding cars trying to get from West 5th to James.
- We do not want to set a precedent for any commercial properties on this street.
- Environmentally speaking, removing green space makes the area hotter having an undesired effect on plants, trees and the use of personal AC.
- A new paved driveway will also have an effect on the water and sewer system. We need the lawns to absorb the rainwater / melting snow.

We purchased our home over a decade ago to raise our children on a residential street and have formed a lovely community with our neighbours. We do not want a for profit commercial business on this street. There are many other locations in Hamilton that would be more suitable for this business endeavour.

In closing, please note we are vehemently opposed to this zoning request as well as any other consideration for commercial activity on our residential streets. Thank you advance for taking our thoughts and concerns seriously.

We will do our best to participate in the virtual meeting July 22.

Yours Truly, Susan Curran & The whole family at 121 Gateview Drive.

From: Susan Curran < curransusan@hotmail.com>

Sent: July 16, 2021 5:26 PM **To:** Committee of Adjustment

Subject: HM/A-21:218 Kevin Maynard 16 CloverHill Rd. **Attachments:** Committee of Adjustment 16 Cloverhill Dr.docx

Committee of Adjustment City Hall 5th Floor 71 Main St West Hamilton ON L8P 4Y5 Sent via email and drop box

Application # HM/A-2A:218

July 16, 2021

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In closing, please note we are vehemently opposed to this zoning request as well as any other consideration for commercial activity on our residential streets. Thank you advance for taking our thoughts and concerns seriously.

We will do our best to participate in the virtual meeting July 22.

Yours Truly, Susan Curran & The whole family at 121 Gateview Drive. 416 882 0462

From: (null) MATER < jmater@rogers.com>

Sent: July 13, 2021 3:01 PM **To:** Committee of Adjustment

Cc: Ward 8 Office; johnpaul.danko@hamilton.ca

Subject: Application HM/A-21:218, 16 Cloverhill Road, July 22, 2021

Good Afternoon

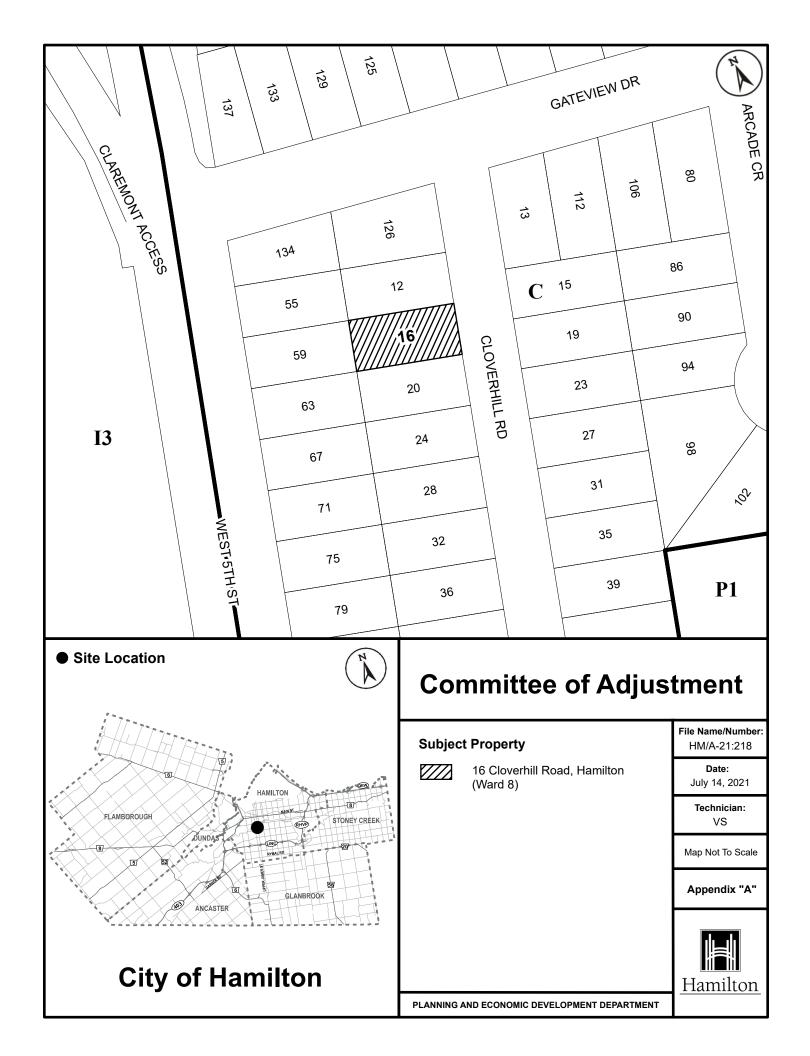
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The lack of proper maintenance, additional vehicles, long grass etc all contribute to the degradation of the neighbourhood. This use, in a house of that size, is not appropriate for unrelated individuals. The potential for five or six additional vehicles with space for two at best is not acceptable. Between student housing, unmaintained rentals and the condition of the street itself, this neighbourhood already supports more than its fair share of this type of use.

Please do not approve this variance.

John Mater

From: Sent:	MATER <jmater@rogers.com> July 16, 2021 3:49 PM</jmater@rogers.com>
To:	Committee of Adjustment
Subject:	Re: Application HM/A-21:218, 16 Cloverhill Road, July 22, 2021
Hi Aman.	
It is 113 Gateview Drive	
John	
Sent from my iPhone	
, ,	49 PM, Committee of Adjustment < CofA@hamilton.ca > wrote:
> Sood afternoon John,	
	g in your concerns and comments. Can you please provide me with your property?
> > Thank you,	
> Aman Hansra (she/he	r)
• •	- Committee of Adjustment Planning and Economic
> Development Hamilto	on City Hall – 5th Floor
> 905-546-2424 ext. 393	
> aman.hansra@hamilt	on.ca
>	
	encourages physical distancing, wearing a mask in an enclosed public space, and . Learn more about the City's response to COVID-19 www.hamilton.ca/coronavirus.
> This message, includir material may contain co Municipal Freedom of I copied, disclosed to any or have received this m	ng any attachments, is privileged and intended only for the stated recipient. This confidential or personal information and may be subject to the privacy provision of the information and Protection of Privacy Act. This material must not be distributed, yone else or used for any unauthorized purpose. If you are not the intended recipient essage in error, please notify me immediately and delete the original transmission any attachments, without making a copy.
>	
>	
>Original Message-	
> From: (null) MATER <	
> Sent: July 13, 2021 3:0	-



HM/B-21:56 – 132 Stone Church Rd. E., Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

- The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
- 2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
- 3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
- 4. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division Plan Examination Section).
- 6. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division Zoning Section).
- 7. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2021 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. All to the satisfaction of the City's Manager of Development Approvals.

- 8. That the owner submits a registered reference plan to identify a portion of the existing 0.3m reserve described as Block 106 on 62M-1209 to be lifted and to provide a cash payment to the City for outstanding servicing cost associated with the lifting the portion of the 0.3m reserve, all to the satisfaction of the City's Manager of the Development Approvals.
- 9. The existing right-of-way at the subject property is approximately 20.0 metres. Approximately, 5.0 metres are to be dedicated to the right-of-way on Stone Church Road East, as per the Council Approved Urban Official Plan: Schedule C-2 Future Right-of-Way Dedications. Stone Church Road (Golf Links Road to Upper Mount Albion) is to be 30.480 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s). Should you require any further information, please contact tplanning@hamilton.ca. (Transportation Planning)
- 10. The owner shall receive final and binding approval of a Minor Variance application(s) for any deficiencies to the requirements of the applicable Zoning By-law, to the satisfaction of the Manager of Development Planning, Heritage and Design.
- 11. That the owner submits and receive approval of a Tree Protection Plan for the lands to be retained, including the review fee as per the Schedule of Rates and Fees (currently \$625), prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.
- 12. That the owner shall investigate the noise levels on the severed lands and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.
- 13. That the owner shall carry out an Archaeological Assessment of the severed portion of the property. The proponent shall mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture

- Industries, to the satisfaction of the Manager of Development Planning, Heritage and Design.
- 14. That the reserve block abutting the severed lands along Cielo Court, being Part of 106 on 62M-1209, be lifted in order to provide frontage for the severed lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.

NOTE: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Lot 1) will remain as 132 Stone Church Road East (Hamilton), and the lands to be conveyed (Lot 2) will be assigned the address of 31 Cielo Court (Hamilton).

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

HM/B-21:56 – 132 Stone Church Rd. E., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Suburban</u>

The purpose of this application is to permit the conveyance of a ±12.19 m by ±33.5 m parcel of land having an area of ±408.36 sq. m from the rear of the subject lands to create a new lot for a single detached dwelling with frontage on Cielo Court. A ±24.38 m by ±90.66 m parcel of land having an area of ±1801.56 sq. m is proposed to be retained along with the existing single detached dwelling fronting onto Stone Church Road East.

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP).

Residential Intensification:

The subject lands are within an established area. In accordance with Section B.2.4.2–Residential Intensification, and as required by Policy E.3.2.4, the proposed development in the area shall enhance and be compatible with the scale and character of the existing residential neighbourhood.

The subject lands which are on the north side of Cielo Court, are in the area containing a mix of large through lots fronting on Stone Church Road East that were created through previous Consent applications. The south side of Cielo Court is developed with single detached dwellings. The proposed lot pattern, size, and lot width is consistent with the lots on the south side of Cielo Court and the infill lots created to date along the north side of Cielo Court and will result in development that will maintain and enhance and be consistent with the pattern of the existing streetscape. As a result, the consents maintain the general intent of the policies of Section B.2.4 Residential Intensification.

Noise:

Stone Church Road East in this location is identified as a minor arterial road on Schedule C – Functional Road Classification in the UHOP. The consent is proposed for the purpose of a sensitive land use. As a result, a noise feasibility study, or detailed noise study, or both, would need to be submitted for review and approval in order to conform to Policy B.3.6.3.7 Road and Railway Traffic Noise and Vibration.

Natural Heritage:

The subject lands contain existing trees which may conflict with the proposed development. A Tree Protection Plan and associated Landscape Plan showing required

compensation would need to be submitted for review and approval in order to conform with Policy C.2.11.1 Tree and Woodland Protection.

<u>Cultural Heritage:</u>

Archaeology

The subject property meets four of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) In areas of pioneer EuroCanadian settlement;
- 4) Along historic transportation routes

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, staff recommends that a condition of approval should be imposed requiring the proponent to carry out an Archaeological Assessment of the severed lands.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned "B" (Suburban Agriculture and Residential, Etc.) District, which permits single detached dwellings, subject to the applicable provisions. A minimum front yard depth of 12.0 metres, minimum side yard depth of 3.0 metres and minimum rear yard depth of 9.0 metres are required. The retained lands conform to the required minimum 20.0 m lot width and 1,100.0 sq. m lot area, whereas the severed lands do not conform to the Zoning By-law.

Assessment:

Lot creation in the urban area must be consistent with the policies of Section F. 1.14.3 Lot Creation – Urban Area. The ±12.19 m lot width and ±408.36 sq. m lot area of the severed lot is consistent with the lots on the south side of Cielo Court zoned "C" District and the infill lots on the north side of Cielo Court created through previous Consent and Minor Variance applications. The lots created in the area generally have lot widths of 12 m and lot areas of 360 sq. m. and with 6 m front yards, 1.2 m side yards, and rear yard depths between 7.5 m and 9 m. The severed lot is similar in scale of the established development pattern in the surrounding area.

The proposed consent would not preclude further development of the retained lot, which will have ±12.19 m of frontage along Cielo Court (subject to lifting the reserve block).

Notwithstanding, Minor Variance applications would be required to permit the proposed lot width and lot area of the severed lot, and reduced yards.

There is a 0.3 m reserve block, being part of Block 106, Registered Plan 62M-1209, along Cielo Court. The portion of the reserve block abutting the subject lands along Cielo Court must be lifted for the proposed lots to have frontage onto a public road, and to permit the lots to connect to the municipal services available on Cielo Court.

Staff **supports** the proposed consent, subject to the conditions.

Recommendation:

Having regard for the matters under subsection 51(24) of the *Planning Act*, staff is satisfied that the proposed lots are suitable for the use of the land, and that the proposed consents conform to the Official Plan. Staff recommends that the proposed consents, as outlined in the Notices of Hearing, be **approved**, subject to the following conditions:

CONDITIONS: (If Approved)

- The owner shall receive final and binding approval of a Minor Variance application(s) for any deficiencies to the requirements of the applicable Zoning Bylaw, to the satisfaction of the Manager of Development Planning, Heritage and Design.
- 2. That the owner submits and receive approval of a Tree Protection Plan for the lands to be retained, including the review fee as per the Schedule of Rates and Fees (currently \$625), prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning, Heritage and Design.
- 3. That the owner shall investigate the noise levels on the severed lands and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.
- 4. That the owner shall carry out an Archaeological Assessment of the severed portion of the property. The proponent shall mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological

resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries, to the satisfaction of the Manager of Development Planning, Heritage and Design.

5. That the reserve block abutting the severed lands along Cielo Court, being Part of 106 on 62M-1209, be lifted in order to provide frontage for the severed lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.

Building Division:

- The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
- 2. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
- 3. Variances for lot width and area will be required for zoning compliance on the lands to be conveyed/retained.

CONDITIONAL UPON:

- The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
- 2. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division Zoning Section).

Development Engineering:

Information:

According to our records, the subject section of Stone Church Road East is classified as a minor arterial roadway with an ultimate right-of-way width of 30.480m by Schedule C-2 of the Urban Hamilton Official Plan. The current right of way width of the subject section of Stone Church Road East is ±20.1m. Therefore, a road allowance widening dedication of ±5.18m will be required.

According to our records, the subject section of Cielo Court is classified as a local roadway with an ultimate right-of-way width of 20.117m by the Urban Hamilton Official Plan. The current right of way width of the subject section of Cielo Court is ±20.1m. Therefore, a road allowance widening dedication will not be required.

There is an existing 0.3m reserve identified as Block 106 on 62M-1209 adjacent to the rear portion of the subject lands. Therefore, as a condition of approval of the owner is required to submit a registered reference plan to identify the portion of the 0.3m reserve to be lifted in order to provide frontage to the severed portion and to provide a cash payment for the servicing cost associated with installation of the municipal services.

*The applicant shall provide the land transfer deed and certified R-plan prepared by a licensed Ontario Land Surveyor (OLS) as proof of land transfer to the City.

According to our GIS records, the existing municipal services front the subject property as follows:

Stone Church Road East

- 250mmø Sanitary Sewer
- 525mmø Storm Sewer
- 400mmø Concrete Watermain
- 750mmø Concrete Transmission Watermain (no service connections permitted)
- 1050mmø Concrete Transmission Watermain (no service connections permitted)

Cielo Court

- 750mmø Sanitary Sewer
- 2700mmø Storm Sewer
- 150mmø Watermain

Recommendations:

- 1. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2021 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. All to the satisfaction of the City's Manager of Development Approvals.
- 2. That the Owner dedicate to the City of Hamilton by deed an adequately sized strip of land from the lands to be retained for road widening purposes on Stone

- Church Road East, to the satisfaction of the City's Manager of Development Approvals.
- 3. That the owner submits a registered reference plan to identify a portion of the existing 0.3m reserve described as Block 106 on 62M-1209 to be lifted and to provide a cash payment to the City for outstanding servicing cost associated with the lifting the portion of the 0.3m reserve, all to the satisfaction of the City's Manager of the Development Approvals.

Source Water Protection:

No comments.

Growth Planning:

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Lot 1) will remain as 132 Stone Church Road East (Hamilton), and the lands to be conveyed (Lot 2) will be assigned the address of 31 Cielo Court (Hamilton).

Transportation Planning:

Transportation Planning has no objection to the land severance application, provided the following conditions are met:

a. The existing right-of-way at the subject property is approximately 20.0 metres. Approximately, 5.0 metres are to be dedicated to the right-of-way on Stone Church Road East, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Stone Church Road (Golf Links Road to Upper Mount Albion) is to be 30.480 metres.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

See attached for additional comments.

Hansra, Aman

From: Vienna Medeiros < vmedeiros@nexusdevelopments.ca>

Sent: July 16, 2021 12:00 PM

To: Sheffield, Jamila; Committee of Adjustment

Cc: Allan Buist; McArthur, Helen; Panovski, Zivko; Inrig, Mark

Subject: Cielo Court severances (132 Stone Church Road East) - HM/B-21:56

Good afternoon,

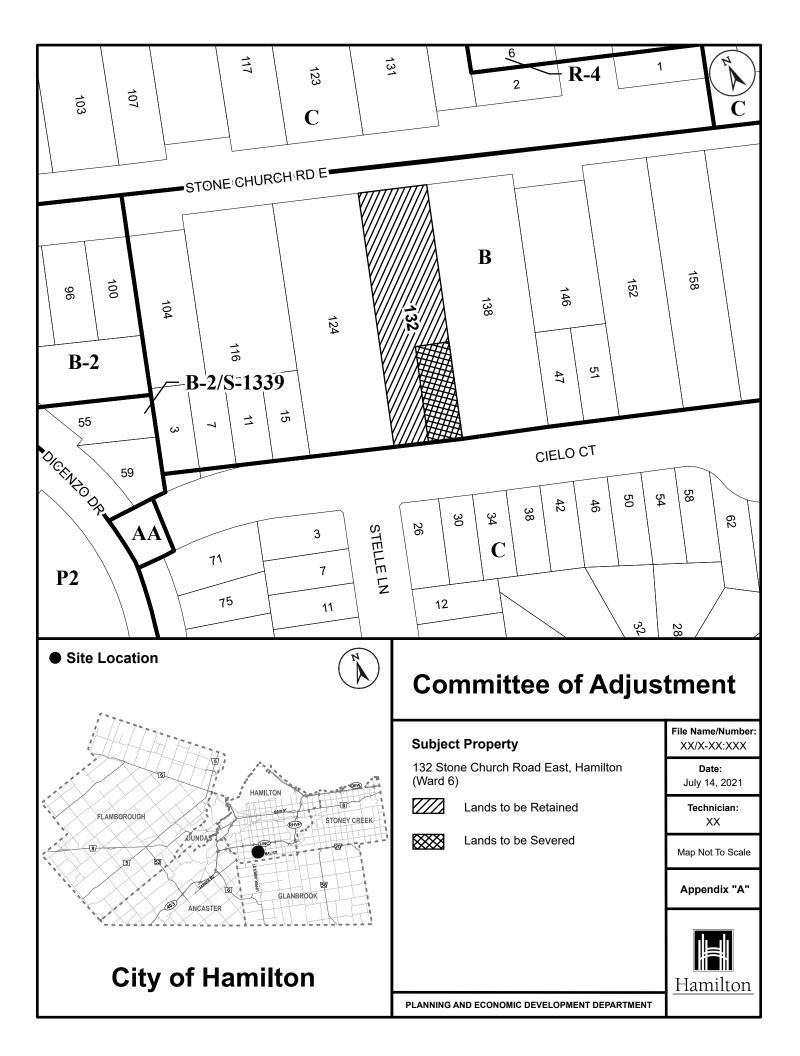
Per the Subdivision Agreement for DiCenzo Gardens Phase 10, these lands constitute a Benefitting Owner for the municipal services constructed by DiCenzo Construction Company Limited within Cielo Court. Please confirm that a condition of approval will require the Benefitting Owner to pay their proportionate share of such municipal services, together with the applicable Canadate Construction Cost index adjustment.

If you have any questions, please feel free to contact me.

Thank you,

Vienna Medeiros Development Co-ordinator/Manager 905-575-6969 Ext: 102





SC/B-21:50 – 64 Deerhurst Rd., Stoney Creek

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

- The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
- 2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
- 3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
- 4. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division Zoning Section). May be subject to a demolition permit issued in the normal manner.
- 5. The owner shall demolish the existing accessory structure(s) (i.e. inground pool, basketball court, shed) on the lands to be conveyed/retained to the satisfaction of the Planning and Economic Development Department (Building Division Zoning Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law in order for the existing accessory structure(s) (i.e. inground pool, basketball court, shed) to remain when no principal use is existing (Building Division Zoning Section). May be subject to a demolition permit issued in the normal manner.
- 6. The applicant must enter into and register on title of the lands, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal

- infrastructure during construction (unknown costs at this time), all to the satisfaction of the Manager of Development Engineering Approvals.
- 7. A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Lot A) will remain as 64 Deerhurst Road (Stoney Creek), and the lands to be conveyed (Lot B) will be assigned the address of 60 Deerhurst Road (Stoney Creek).

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

SC/B-21:50 – 64 Deerhurst Rd., Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Suburban</u>

The purpose of this application is to facilitate the creation two (2) lots in order to construct two (2) new single detached dwellings (one on each lot). The existing single detached dwelling is proposed to be demolished. Both the severed and retained lots will have a frontage of ±16.35 metres, a depth of ±72.46 metres, and a lot area of ±1,176 square metres.

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Further, the lands are designated 'Low Density Residential 2b' in the Western Development Area Secondary Plan (Map B.7.1-1). Policy B.7.1.1.2 applies, amongst others, and permits single detached dwellings.

Former City of Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned Single Residential "R2" Zone which permits the use of single detached dwellings and structures accessory thereto, in accordance with the applicable provisions. Both the severed and retained lots conform to the minimum required lot frontage of 15 m and the minimum required lot area of 460 sq. m.

<u>Analysis</u>

The proposal is defined as Residential Intensification, and accordingly, must be evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1). The surrounding neighbourhood consists primarily of single detached dwellings that are on regular lots with a variety of frontages and areas. The proposed lots have comparable lot frontage and lot area to the three adjacent lots located north of the subject property, the lands adjacent to the rear of the property, and those lots along Deerhurst Road that have been severed for residential purposes. It is the opinion of staff that the proposed development is compatible with the surrounding area in terms of use and scale. The proposed lots will integrate well with the lot pattern of the neighbourhood and are of adequate size to support a building footprint for single dwelling units.

The proposed new lots for residential uses which are permitted in the "Neighbourhoods" designation meet the criteria of F.1.14.3.1 (Volume 1). Therefore, the proposed severance is supportable.

Recommendation:

Having regard for the matters under subsection *51(24)* of the Planning Act, staff is satisfied that the proposed lots are suitable for the use, the proper and orderly development of the land, and conform to the Official Plan. Staff recommends that the proposed consent, as outlined in the Notice of Hearing, be **Approved**.

Building Division:

- 1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
- Be advised that if the existing accessory structure(s) (i.e. inground pool, basketball court, shed) are not demolished at the same time as the dwelling, a variance will be required to permit the existing accessory structure(s) (i.e. inground pool, basketball court, shed) to remain on the retained lands when no main use/building has been established.
- Demolition of all or an appropriate portion of the building straddling the proposed property line shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner

CONDITIONAL UPON:

If the application is approved, we request the following condition(s):

- The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
- 2. The owner shall demolish the existing accessory structure(s) (i.e. inground pool, basketball court, shed) on the lands to be conveyed/retained to the satisfaction of the Planning and Economic Development Department (Building Division Zoning Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law in order for the existing accessory structure(s) (i.e. inground pool, basketball court, shed) to remain when no principal use is existing (Building Division Zoning Section). May be subject to a demolition permit issued in the normal manner.

Development Engineering:

Recommendation:

The applicant must enter into and register on title of the lands, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time), all to the satisfaction of the Manager of Development Engineering Approvals.

Source Water Protection:

No comments.

Growth Planning:

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Lot A) will remain as 64 Deerhurst Road (Stoney Creek), and the lands to be conveyed (Lot B) will be assigned the address of 60 Deerhurst Road (Stoney Creek).

Transportation Planning:

Transportation Planning has no objection to the land severance application.

See attached for additional comments.



Stephen Clark, Urban Forest Health Technician Hamilton City Centre, 77 James Street North, Suite 400 Hamilton, On L8R 2K3 Phone (905) 546-2424 Ext. 4219, Fax (905) 546-4473 Email – Stephen.Clark@hamilton.ca

Forestry & Horticulture Section Environmental Services Division Public Works Department

Date: July 15,2021

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer

Development Planning

City Hall – 71 Main Street West -5th Floor

From: Stephen Clark, Urban Forest Health Technician

Subject: 64 Deerhurst Rd. Stoney Creek

File: SC/B-21:50

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, July 22,2021, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

An assessment of the information provided shows that there are potential conflicts with publicly owned trees or trees that may become city assets through right of way widening. Where existing municipal trees are impacted by development work, are within proximity of the development work or access/egress to the development work, a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician.

Where ownership of trees in proximity to the boundary between public and private land is un-certain, the subject trees must be surveyed by the applicant to confirm ownership. Ownership is as per By-law 15-125. Ownership must be clearly identified on the Tree Management Plan as either municipal or private.

A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

Conditions of the Forestry and Horticulture Section will be cleared only after receipt of all applicable fees and payments.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

The Forestry & Horticulture Section requires that a **Tree Management Plan** be prepared by a **Registered Landscape Architect**. All trees within this proposed development area must be surveyed, identified and accurately plotted on the plan to determine ownership, including intensions regarding retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints, driveways, utility construction corridors and temporary access roads be accurately depicted on the submission.

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.

- Species by Botanical and common name
- ❖ Diameter at breast height in centimeters or millimeters
- Ownership (> 50% @ ground level = ownership)
- ❖ Biological health
- Structural condition
- Proposed grade changes within individual driplines (compulsory)
- Proposed utility construction within individual driplines {compulsory}
- Proposed removals or relocations
- Proposed trees to be protected

If it is determined and verified that existing trees can remain, a Tree Protection Zone Detail with notes showing Tree Preservation Techniques shall be included on the submission as per the **Public Tree Preservation and Sustainability Policy**.

The determination of ownership of all trees is the responsibility of the applicant and any civil issues which may exist or arise between property owners with respect to trees, must be resolved by the applicant. The ownership of each individual tree inventoried must be clearly stated as municipal or private.

All Healthy trees on municipal property which are found to be in conflict with this proposed development and do not meet our criteria for removal are subject to a replacement fee as outlined in the **Public Tree Preservation and Sustainability Policy** in conjunction with **By-Law 15-125**.

A \$278.80 plus HST permit fee, payable to the City of Hamilton is required prior to the permit issuance.

A <u>permit</u> will be issued upon approval of the Tree Management Plan and applicable fees.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY OF FORESTRY CONDITIONS

• A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

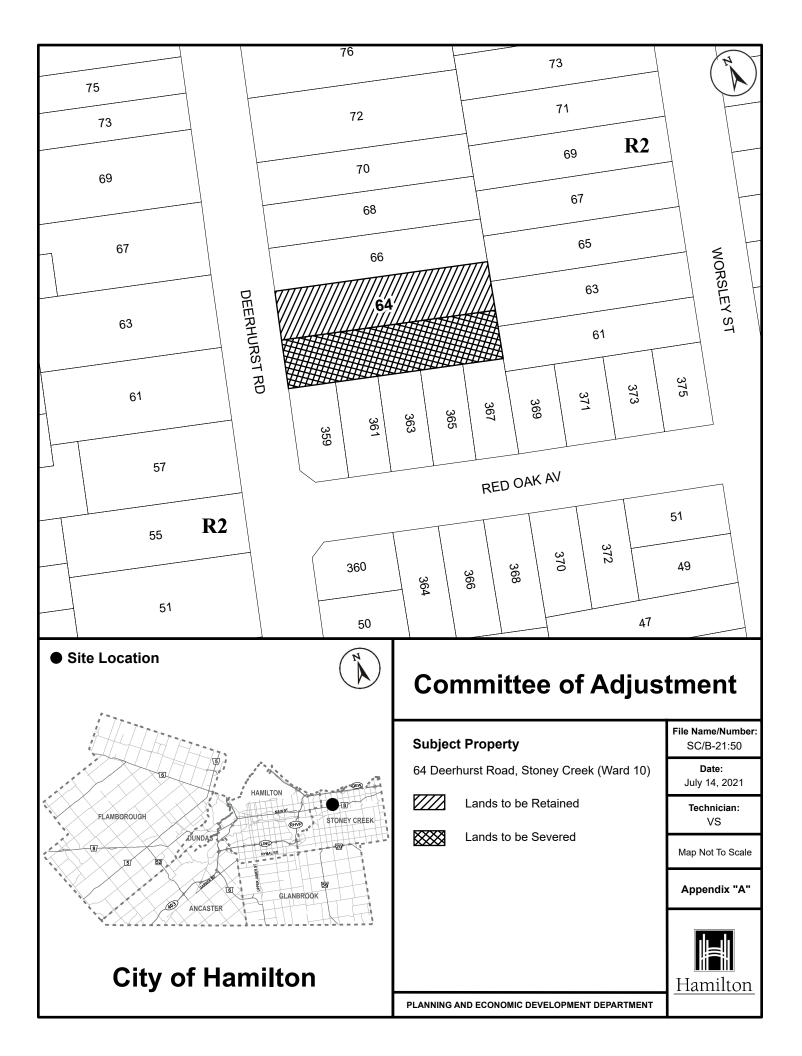
If you require clarification or technical assistance, please do not hesitate to contact me at (905) 546-2424 Ext. 7375.

Regards,

Stephen Clark

Urban Forest Health Technician

Stephen Clark



SC/B-21:57 – 564 Fifty Rd., Stoney Creek

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

- The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
- 2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
- 3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
- 4. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division Zoning Section).
- 5. The applicant must enter into and register on title of the lands, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction (unknown costs at this time), all to the satisfaction of the Manager of Development Engineering Approvals.
- 6. The property is subject to cost recoveries along Fifty Road for road works and connection to the sanitary sewer. Therefore, the Owner / Applicant shall pay their share of cost recoveries along the entire frontage of their land along Fifty Road

- as a condition of approval, all to the satisfaction of the Manager of Development Engineering Approvals.
- 7. Please note there is a 0.3m reserve along Sandbeach Drive. The property is subject to cost recoveries along Sandbeach Drive for road works and connection to the sanitary sewer, storm sewer, and watermain. Therefore, the Owner / Applicant shall pay their share of cost recoveries along the entire frontage of their land along Sandbeach Drive as a condition of approval, all to the satisfaction of the Manager of Development Engineering Approvals.
- 8. The subject property is located within the urban boundary, however there is currently no sidewalk along Sandbeach Drive fronting the site. Therefore, the Owner / Applicant shall pay their share of sidewalk c/w street lighting along the entire frontage of their site along Sandbeach Drive as per the City's "New Roads Servicing Rates", all to the satisfaction of the Manager of Development Engineering Approvals.
- 9. The existing right-of-way at the subject property is approximately 20.0 metres. Approximately 3.0 metres are to be dedicated to the right-of-way on Fifty Road, as per the Council Approved Urban Official Plan: Schedule C-2 Future Right-of-Way Dedications. Fifty Road (Falcon Road to Ridge Road) is to be 26.213 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s). Should you require any further information, please contact tplanning@hamilton.ca. (Transportation Planning)
- 10. A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
- 11. That the proponent shall carry out a Stage 1 & 2 Archaeological Assessment of the entirety of the and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).

- 12. That the owner receives final and binding approval of a Zoning By-law Amendment to permit residential uses on the retained lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.
- 13. That the reserve block abutting Sandhill Drive, being Part of Block 193, 62M-987, be lifted in order to provide frontage for the retained lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.

NOTE: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed (Part 1) will remain as 564 Fifty Road (Stoney Creek), and the lands to be retained (Part 2) will be assigned the address of 32 Sandbeach Drive (Stoney Creek).

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

SC/B-21:57 – 564 Fifty Rd., Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Suburban</u>

The purpose of this application is to permit the conveyance of a ±13.60 m by ±48.82 m parcel of land having an area of ±655 sq. m with frontage on Fifty Road, and to retain a ±61.19 m by ±57.91 m parcel of land having an area of ±3583 sq. m with frontage on Sandbeach Drive. Both lands will be developed for residential purposes. A single detached dwelling is currently under construction on the severed lands, and the retained lands will also be development for single detached dwellings in the future.

Background

The following Committee of Adjustment applications have been considered for the subject lands:

- June 13, 2019: Consent application SC/B-19-59 and SC/B-19-59 were provisionally approved to create five lots with one lot on Fifty Road and four lots on Sandhill Drive. The approval lapsed when all conditions were not satisfied within the required timeframe.
 - Although approved by the Committee, staff recommended denial of the consent applications because the zoning of the retained lands does not permit any development. Staff had recommended that the future lots along Sandbeach Drive should be evaluated against the development requirements of the zone that would eventually be determined to be appropriate for the lands during a rezoning process.
- February 8, 2018: Consent application SC/B-17:39 and Minor Variance application SC/A-17:168 facilitated the conveyance of the lands known as 562 Fifty Road from the subject lands.

The ±13.60 m frontage of the subject lands is permitted by the decision, notwithstanding a minimum frontage of 15.0 m is required by the Zoning By-law.

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The Urban Lakeshore Area Secondary Plan designates the subject lands "Low Density Residential 2b" (Volume 2 - Map B.7.3-1). Single detached dwellings are permitted (B.7.3.1.3 (a)).

Archaeology:

The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In an area of sandy soil in areas of clay or stone;
- 3) Along historic transportation routes;

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. Staff requests that any approvals be subject to condition 1 following the recommendation.

Former City of Stoney Creek Zoning By-law No. 3692-92

The subject lands are split-zoned. Part 1 is zoned Rural Residential "RR" Zone, and Part 2 is zoned Neighbourhood Development "ND" Zone.

The "RR" Zone permits single detached dwellings, subject to the applicable provisions. The proposed frontage of 13.60m for Part 1 is permitted in accordance with Committee of Adjustment Decision SC/A-17:168, which became final and binding on March 1, 2018.

In accordance with Subsection 7.1.1 of Zoning By-law No. 3692-92, the "ND" Zone does not permit the use of the land for any purpose other than that for which it was used on the date that the Zoning By-law was passed, being May 31, 1994. No other uses may be permitted until the land has been rezoned.

<u>Analysis</u>

In addition to conforming to the uses permitted by the Official Plan, staff must have regard for the Lot Creation policies of the UHOP, specifically with respect to the retained lands.

Lot creation in the urban area must be consistent with the UHOP policies of Volume 1-Section F. 1.14.3 Lot Creation – Urban Area. The existing zoning of the retained lands does not permit the development of new single detached dwellings; therefore, there are no applicable development requirements such as minimum lot area or minimum frontage. Prior to the development of the retained lands, they will need to be rezoned to permit new residential dwellings. Any further severance of the lands will be evaluated against the development requirements applied through the rezoning. Further, the retained lands do not have frontage on a public road. Until such a time as the reserve block abutting Sandbeach Drive is lifted, the retained lot is landlocked. Accordingly, staff recommends that approval should be conditional upon the rezoning of the lands to permit appropriate residential uses and lifting the reserve block to provide frontage and legal access to the

land.

The proposed new lots for residential uses which are permitted in the "Neighbourhoods" designation meet the criteria of F.1.14.3.1 (Volume 1), subject to the conditions following the recommendation. Therefore, the proposed severance is supportable.

Recommendation:

Having regard for the matters under subsection 51(24) of the *Planning Act*, staff is satisfied that the proposed lots are suitable for residential uses, and that the proposed consent conforms to the Official Plan, subject to the conditions outlined below. Staff recommends that the proposed consent, as outlined in the Notice of Hearing, be **approved**, subject to the following conditions:

CONDITIONS: (If Approved)

1. That the proponent shall carry out a Stage 1 & 2 Archaeological Assessment of the entirety of the and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).

- That the owner receives final and binding approval of a Zoning By-law Amendment to permit residential uses on the retained lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.
- 3. That the reserve block abutting Sandhill Drive, being Part of Block 193, 62M-987, be lifted in order to provide frontage for the retained lands, to the satisfaction of the Manager of Development Planning, Heritage and Design.

Building Division:

- 1. The applicant should obtain an appropriate municipal address for the proposed parcels to be severed and retained from the Growth Planning Section of the Economic Development Department prior to the issuance of a building permit.
- 2. In order to clear conditions, the applicant will be required to make application for Zoning Compliance Review and pay the relevant fees.
- 3. Minor Variance application SC/A-17:168 was approved to permit reduced frontage of 13.6m for the parcel to be severed in conjunction with Consent Application SC/B-17:39.
- 4. The "ND" zoning district permits only limited residential uses (i.e. one single detached dwelling). The applicant may wish to ensure that the proposed residential use(s) for the lands to be retained are permitted. Building Division records indicate that a rezoning application has been applied for to change the zoning of the retained portion. The rezoning application does not appear to be currently active.
- 5. Building Permit 19-126962 for the construction of a new single detached dwelling on the parcel to be severed was issued July 4, 2019 and is not finalized. As such, building compliance for spatial separation has been complied with.

CONDITIONAL UPON:

 The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

Development Engineering:

Recommendations:

1. The applicant must enter into and register on title of the lands, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure as required and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches and culverts, relocation of any existing infrastructure (hydro poles, etc.) and any damage to municipal infrastructure during construction

(unknown costs at this time), all to the satisfaction of the Manager of Development Engineering Approvals.

2. Fifty Road is subject to a right-of-way widening and is summarized below:

Existing ROW: 20.1m Future (Ultimate) ROW (as per UHOP – Schedule C-2): 26.213m

Therefore, the applicant shall provide a Registered Plan and transfer deed as proof of land transfer.

- 3. The property is subject to <u>cost recoveries</u> along Fifty Road for road works and connection to the sanitary sewer. Therefore, the Owner / Applicant shall pay their share of cost recoveries along the entire frontage of their land along Fifty Road as a condition of approval.
- 4. Please note there is a 0.3m reserve along Sandbeach Drive. The property is subject to <u>cost recoveries</u> along Sandbeach Drive for road works and connection to the sanitary sewer, storm sewer, and watermain. Therefore, the Owner / Applicant shall pay their share of cost recoveries along the entire frontage of their land along Sandbeach Drive as a condition of approval.
- 5. The subject property is located within the urban boundary, however there is currently no sidewalk along Sandbeach Drive fronting the site. Therefore, the Owner / Applicant shall pay their share of sidewalk c/w street lighting along the entire frontage of their site along Sandbeach Drive as per the City's "New Roads Servicing Rates".

Source Water Protection:

No comments.

Growth Planning:

NOTE: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed (Part 1) will remain as 564 Fifty Road (Stoney Creek), and the lands to be retained (Part 2) will be assigned the address of 32 Sandbeach Drive (Stoney Creek).

Transportation Planning:

1. Transportation Planning has no objection to the land severance application, provided the following conditions are met:

a. The existing right-of-way at the subject property is approximately 20.0 metres. Approximately 3.0 metres are to be dedicated to the right-of-way on Fifty Road, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Fifty Road (Falcon Road to Ridge Road) is to be 26.213 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

See attached for additional comments.



Stephen Clark, Urban Forest Health Technician Hamilton City Centre, 77 James Street North, Suite 400 Hamilton, On L8R 2K3 Phone (905) 546-2424 Ext. 4219, Fax (905) 546-4473 Email – Stephen.Clark@hamilton.ca

Forestry & Horticulture Section Environmental Services Division Public Works Department

Date: July 15,2021

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer

Development Planning

City Hall – 71 Main Street West -5th Floor

From: Stephen Clark, Urban Forest Health Technician

Subject: 564 Fifty Road, Stoney Creek

File: SC/B-21:57

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, July 22nd, 2021, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

An assessment of the information provided shows that there are potential conflicts with publicly owned trees or trees that may become city assets through right of way widening. Where existing municipal trees are impacted by development work, are within proximity of the development work or access/egress to the development work, a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician.

Where ownership of trees in proximity to the boundary between public and private land is un-certain, the subject trees must be surveyed by the applicant to confirm ownership. Ownership is as per By-law 15-125. Ownership must be clearly identified on the Tree Management Plan as either municipal or private.

A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

Conditions of the Forestry and Horticulture Section will be cleared only after receipt of all applicable fees and payments.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

The Forestry & Horticulture Section requires that a **Tree Management Plan** be prepared by a **Registered Landscape Architect**. All trees within this proposed development area must be surveyed, identified and accurately plotted on the plan to determine ownership, including intensions regarding retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints, driveways, utility construction corridors and temporary access roads be accurately depicted on the submission.

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.

- Species by Botanical and common name
- ❖ Diameter at breast height in centimeters or millimeters
- Ownership (> 50% @ ground level = ownership)
- ❖ Biological health
- Structural condition
- Proposed grade changes within individual driplines (compulsory)
- Proposed utility construction within individual driplines {compulsory}
- Proposed removals or relocations
- Proposed trees to be protected

If it is determined and verified that existing trees can remain, a Tree Protection Zone Detail with notes showing Tree Preservation Techniques shall be included on the submission as per the **Public Tree Preservation and Sustainability Policy**.

The determination of ownership of all trees is the responsibility of the applicant and any civil issues which may exist or arise between property owners with respect to trees, must be resolved by the applicant. The ownership of each individual tree inventoried must be clearly stated as municipal or private.

All Healthy trees on municipal property which are found to be in conflict with this proposed development and do not meet our criteria for removal are subject to a replacement fee as outlined in the **Public Tree Preservation and Sustainability Policy** in conjunction with **By-Law 15-125**.

A \$278.80 plus HST permit fee, payable to the City of Hamilton is required prior to the permit issuance.

A <u>permit</u> will be issued upon approval of the Tree Management Plan and applicable fees.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY OF FORESTRY CONDITIONS

• A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

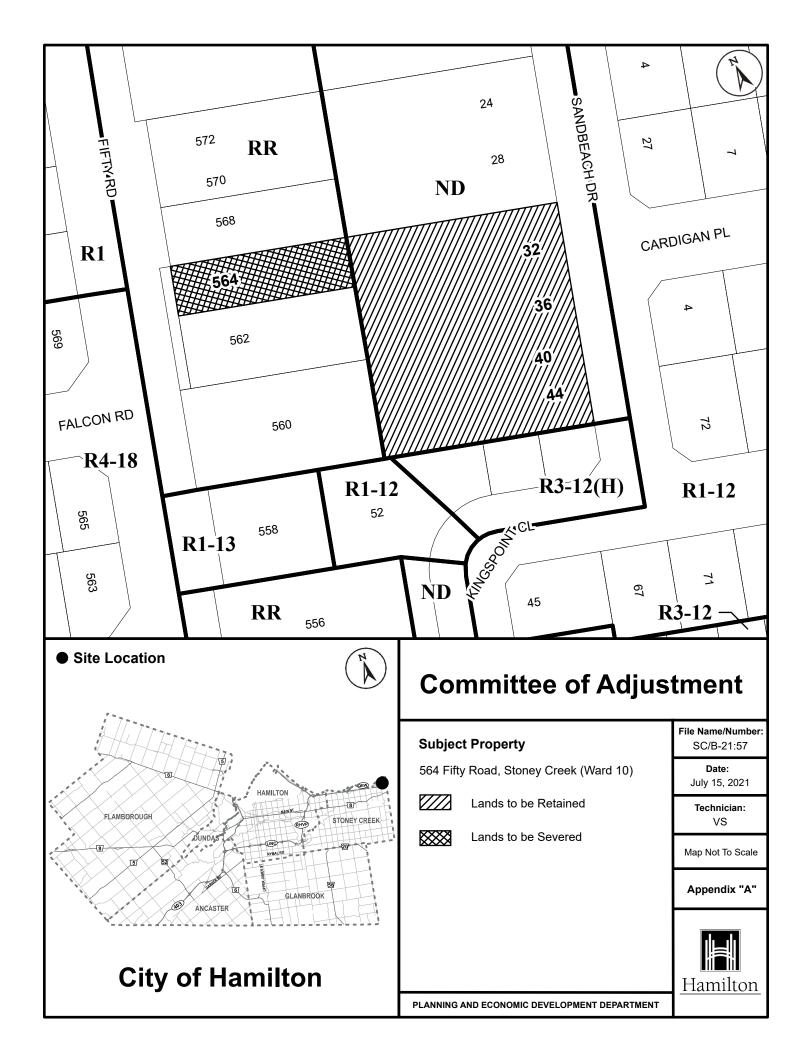
If you require clarification or technical assistance, please do not hesitate to contact me at (905) 546-2424 Ext. 7375.

Regards,

Stephen Clark

Urban Forest Health Technician

Stephen Clark



AN/A-21:239 – 348 Mapledene Dr., Ancaster

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

AN/A-21:239 – 348 Mapledene Dr., Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Suburban</u>

The purpose of this application is to permit the construction of a 75.7 sq. m addition to the northerly side of an existing single detached dwelling, notwithstanding that a variance is required to permit the proposed 1.2 m northerly side yard. The eaves and gutters are proposed to encroach a maximum of 0.508 m into the northerly side yard.

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Policy E.3.4.3 applies, amongst others, and permits a single detached dwelling. The proposal to construct an addition to the existing single detached dwelling maintains the intent of the Official Plan.

Former Town of Ancaster Zoning By-law No. 87-57

The subject lands are zoned Existing Residential "ER" Zone, which permits single detached dwellings, subject to the applicable provisions.

Variance 1

A minimum northerly side yard of 1.2 m is proposed, whereas a minimum side yard of 2.42 m is required by the Zoning By-law. The intent of the zoning provision is to ensure that a sufficient buffer is maintained between the structures on adjacent properties. It also ensures that there is enough space within the yard to support on-site drainage, access to rear yards, and enhance privacy for the adjacent lands.

Staff is satisfied that the proposed setback provides adequate space for access and maintenance purposes, and that the reduced side yard to allow the proposed addition will have negligible impact on the adjacent properties. The proposed side yard is in keeping with the neighbourhood character.

Variance 2

The eaves and gutters are proposed to encroach a maximum of 0.508 m into the northerly side yard, which conforms to the maximum permitted encroachment of 0.6 metres. The variance is not required.

Recommendation:

Having regard for the matters under subsection 45(1) of the *Planning Act*, staff is satisfied that the requested variances maintain the purpose and intent of the Official Plan and the Zoning By-law. The variances are desirable for the appropriate development of the land, and minor in nature. Staff recommends that the requested variances, as outlined in the Notice of Hearing, be **approved**.

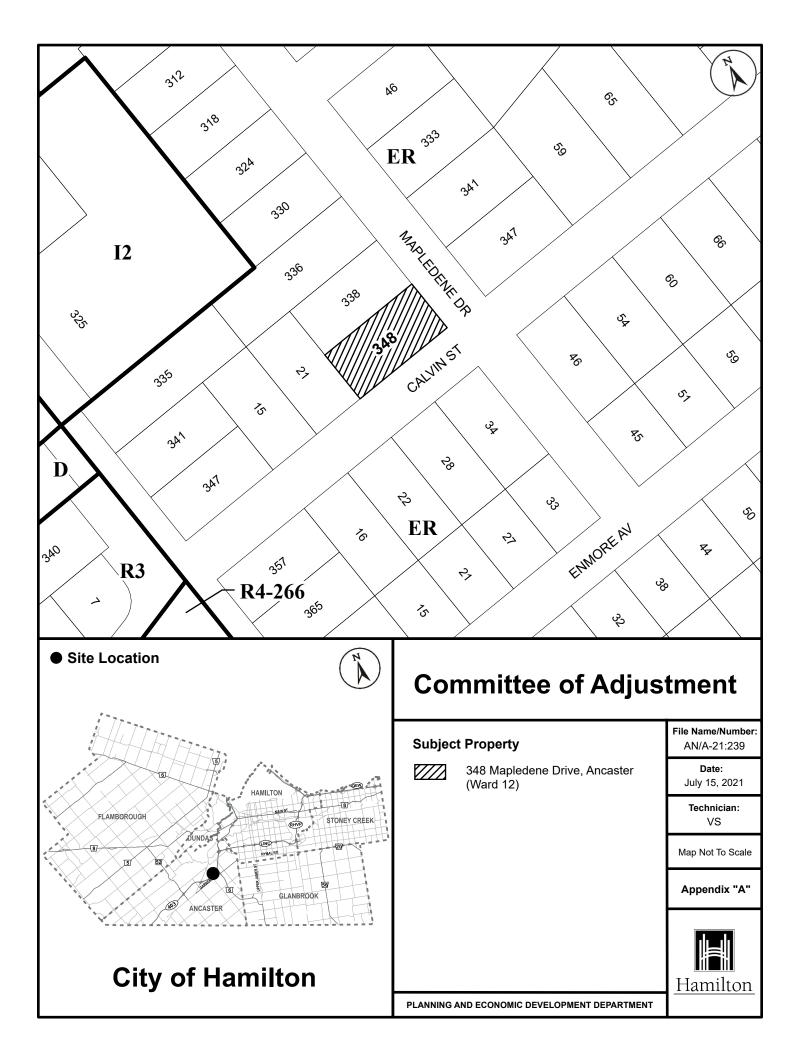
Building Division:

- It was further determined that the eaves and gutter projection would be 0.38m into
 the required northerly side yard which is less than the maximum 0.6m projection.
 This projection would comply to the Zoning By-law providing the requested variance
 for the reduced side yard is approved (Variance #1). Therefore, Variance #2 is not
 required and can be removed.
- The variances are written as requested by the applicant. The lands are subject to Site Plan Approval for development within the ER Zone. However, a site plan has not been submitted at this time for review. Accordingly, additional variances may apply.
- 3. By-law 18-105 was passed on April 25, 2018 which changed the "ER" zoning regulations under Ancaster Zoning By-law 87-57. Amending By-law 18-105 is now in force and effect.
- 4. The submitted plan did not identify parking. However, the driveway in front of the proposed addition would be of sufficient length to accommodate two parking spaces with dimensions of 3.0m x 5.8m.
- Building Permit # 21-121184, submitted on April 26, 2021 for the construction of the proposed addition to the existing single detached dwelling remains under review and not finalized.
- 6. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

No comments.

See attached for additional comments.



HM/A-21:223 - 146 West 33rd St., Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

HM/A-21:223 – 146 West 33rd St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Suburban</u>

The purpose of this application is to permit a secondary dwelling unit (SDU) within an existing single detached dwelling, notwithstanding that a variance is required to permit the proposed parking space with a width of 2.6 m adjacent to the dwelling.

The Notice of Hearing contained the following two variances:

- 1. One parking space shall have a minimum width of 2.6 metres instead of the minimum required 2.7 metres, and,
- One parking space shall be provided for the principal dwelling unit and one unobstructed parking space shall be provided for the secondary dwelling unit instead of the required minimum three parking spaces, consisting of two parking spaces for the principal dwelling unit and one unobstructed parking space for the secondary dwelling unit.

However, the applicant has revised their proposal to provide three parking spaces. Therefore, Variance 2 is no longer required. The third parking space is proposed to be a tandem parking space within the existing driveway.

<u>Urban Hamilton Official Plan</u>

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). General Residential Intensification Policy B.2.4.1.1 encourages residential intensification throughout the entire built-up area as an essential tool for meeting the City's growth targets. The proposed SDU would contribute to providing a range of housing options in a predominantly single detached dwellings neighbourhood without affecting the neighbourhood character, consistent with the evaluation criteria for developments which promote residential intensification in accordance with Policy B.2.4.1.4.

Policy B.3.2.4.4 applies, amongst others, and permits an SDU within a single detached dwelling. The construction of an SDU within the existing single detached dwelling maintains the intent of the Official Plan.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned "C" District (Urban Protected Residential, Etc.). The proposed conversion from a single unit dwelling to a two-unit dwelling is permitted within

the zoning, subject to the provisions of Section 19(1) of Zoning By-law No. 6593. The zoning provisions include the requirement for a minimum of three 2.7 m by 6.0 m parking spaces for a converted dwelling.

Variance 1

A parking space width of 2.6 m is proposed for the parking space adjacent to the dwelling, whereas a minimum width of 2.7 m is required by the Zoning By-law. The side yard of the existing dwelling is 2.6 m which does not provide opportunity to provide the required width of 2.7 m. The proposed width of 2.6 m is a reduction of only 10 cm from the required width, and represents the minimum width required for a compact car parking space in the City of Hamilton's (comprehensive) Zoning By-law 05-200. Based on the foregoing, staff supports the variance because the parking space width can accommodate a compact car and approval of the variance will encourage appropriate residential intensification within the built-up area and the provision of a range of housing options in accordance with the UHOP.

Variance 2

The applicant has revised their proposal to provide three parking spaces and therefore Variance 2 is no longer required.

Recommendation:

Having regard for the matters under subsection 45(1) of the *Planning Act*, staff is satisfied that the requested variance maintains the purpose and intent of the Official Plan and the Zoning By-law. The variance is desirable for the appropriate development of the land, and minor in nature. Staff recommends that the requested variance, as outlined in the Notice of Hearing, be **approved**.

Building Division:

- 1. The application was submitted based on the Section 19 requirements in which one parking space is required for the principal dwelling unit and one parking space is required for the secondary dwelling unit By-law 21-076 was approved by City Council on May 12, 2021 to permit secondary dwelling units in single detached, semi-detached and street townhouses in all residential districts and the H District and is in effect. As noted, the parking space requirements under By-law 21-076 require the provision of three parking spaces for a dwelling with a secondary dwelling unit, including a separate parking space for the secondary dwelling unit which is unobstructed.
- 2. Variance #2 is not required and can be removed as the applicant is proposing to provide two parking spaces for the primary dwelling in a tandem arrangement within

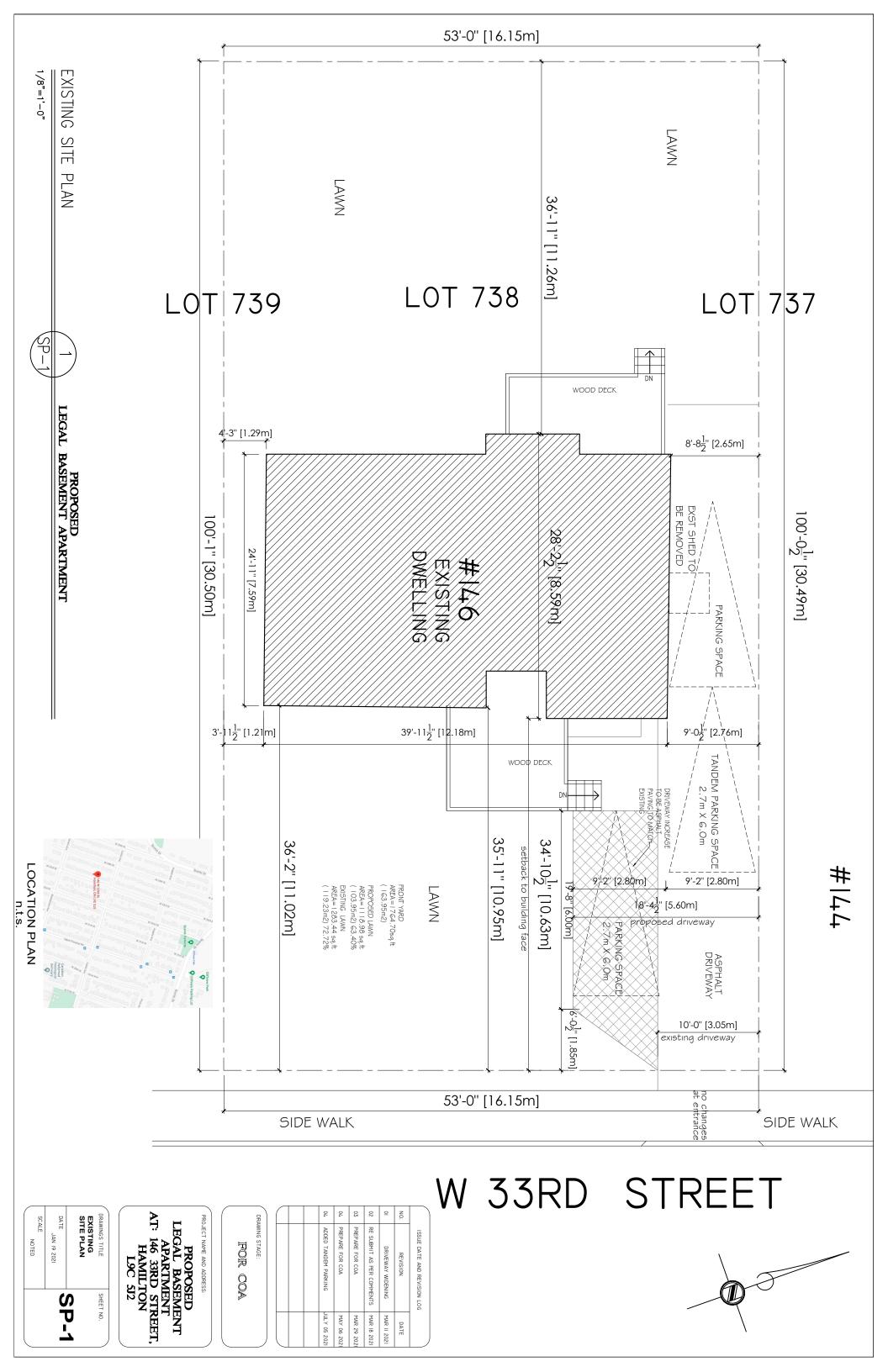
the driveway and one unobstructed parking space for the proposed secondary dwelling unit.

- 3. Building Permit #21-103512 to construct the secondary dwelling unit in the basement is under review and remains not finalized.
- 4. Be advised that Ontario Building Code regulations may require specific setback and construction types

Development Engineering:

No comments.

See attached for additional comments.







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Part 2
SUBJECT TO EASEMENT IN FAVOR OF BELL CANADA INSTRUMENT NO. NS209534.
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SURVEY PREPARED FOR VITALY KOVALIV.

SOUTH, EAST, WEST

UTILITY WIRES

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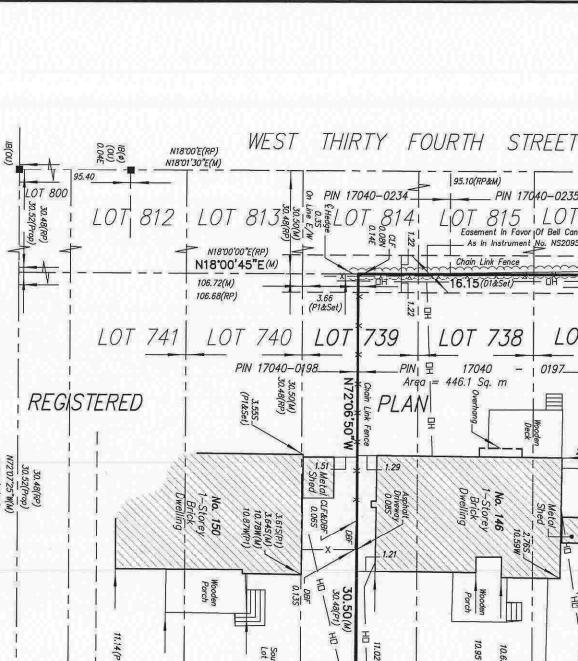
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CERTIFY THAT:
THIS SURVEY AND PLAN ARE CORRECT
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Ontario Land Surveyors

Www.es-ols.com

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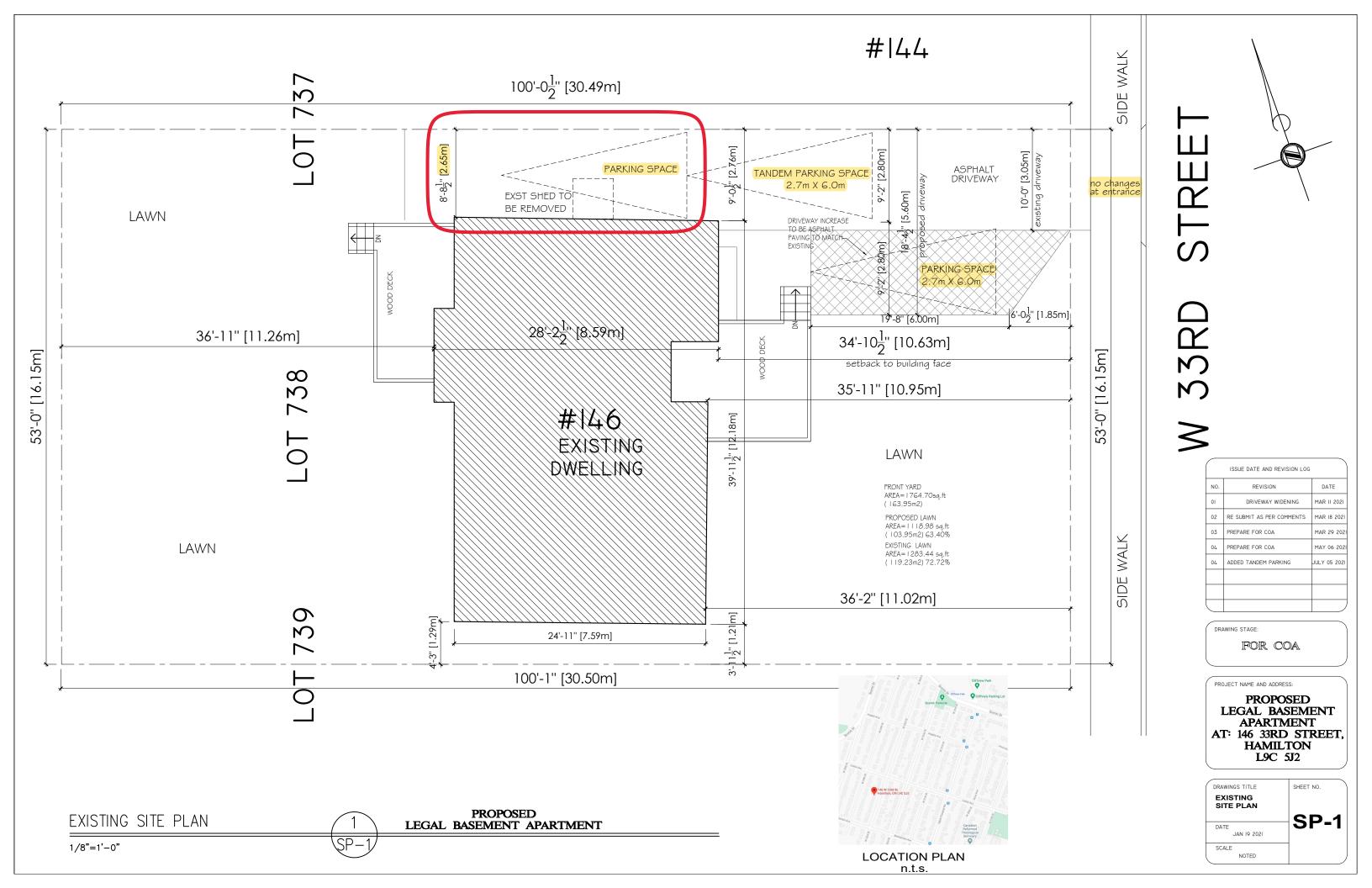
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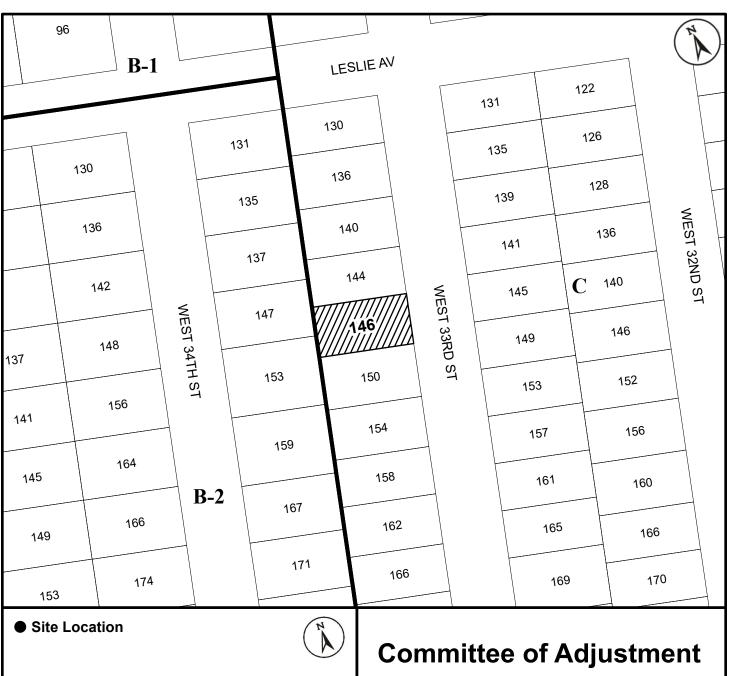
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Lawrence O. Ertl Ontario Land Surveyor









City of Hamilton

Subject Property

146 West 33rd Street, Hamilton (Ward 14)

File Name/Number: HM/A-21:223

Date: July 15, 2021

Technician: VS

Map Not To Scale

Appendix "A"



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/B-21:53 – 1304 Scenic Dr., Ancaster

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

- The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
- 2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
- 3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
- 4. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division Zoning Section).
- 5. The owner shall demolish all exiting buildings and structures to the satisfaction of the Planning and Economic Development Department (Building Division Zoning Section).
- 6. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2021 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, sidewalks, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. All to the satisfaction of the City's Manager of Development Approvals.

- 7. Currently, the existing street have a rural cross section. Therefore, a as condition of approval the owner is required to provide a cash payment to the City for the future urbanization of the street based on the "New Road Servicing Rates", all to the satisfaction of the Manager of Development Engineering Approvals.
- 8. The existing right-of-way at the subject property is approximately 23.0 metres. Approximately, 3.0 metres are to be dedicated to the right-of-way on Scenic Drive, as per the Council Approved Urban Official Plan: Schedule C-2 Future Right-of-Way Dedications. Scenic Drive (Chateau Court to Mohawk Road) is to be 26.213 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s). Should you require any further information, please contact tplanning@hamilton.ca. (Transportation Planning)
- 9. A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees. **A permit will be issued upon approval of the Tree Management Plan and applicable fees.**

NOTE: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Lot 1) will remain as 1304 Scenic Drive (Ancaster), the lands to be conveyed (Lot 2) will be assigned the address of 1308 Scenic Drive (Ancaster), and the lands to be conveyed (Lot 3) will be assigned the address of 1312 Scenic Drive (Ancaster).

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

AN/B-21:53 – 1304 Scenic Dr., Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Suburban</u>

Comments will be provided at the Hearing.

Building Division:

- A variance for a reduced lot frontage is required for both the lands to be conveyed and the lands to be retained and a variance for a reduced lot area is required for the lands to be conveyed.
- 2. The applicant should obtain an appropriate municipal address for the proposed parcels from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
- 3. Demolition of all existing structures shall be a condition of consent. Such demolition is subject to the issuance of a demolition permit from the Building Division.
- 4. This application is to be heard in conjunction with minor variance application AN/A-21:230 and land severance application AN/B-21:54

CONDITIONS:

- 1. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division Zoning Section).
- The owner shall demolish all exiting buildings and structures to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section).

Development Engineering:

Information:

According to our records, the subject section of Scenic Drive is classified as a collector roadway with an ultimate right-of-way width of 26.213m by Schedule C-2 of the Urban Hamilton Official Plan. The current right of way width of the subject section of Scenic Drive is ±20.1m. Therefore, a road allowance widening dedication of ±6.213m will be required. The new property line must be established ±13.10m from the centreline of Scenic Drive.

*The applicant shall provide the land transfer deed and certified R-plan prepared by a licensed Ontario Land Surveyor (OLS) as proof of land transfer to the City.

According to our GIS records, the existing municipal services front the subject property as follows:

Stone Church Road East

- 1. 1050mmø Sanitary Sewer
- 2. 300mmø Watermain

Recommendations:

- 1. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2021 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, sidewalks, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. All to the satisfaction of the City's Manager of Development Approvals.
- 2. That the Owner dedicate to the City of Hamilton by deed, sufficient land adjacent to Scenic Drive in order to establish the property line 13.10m from the original centreline of this roadway for road widening purposes.
- 3. Currently, the existing street have a rural cross section. Therefore, a as condition of approval the owner is required to provide a cash payment to the City for the future urbanization of the street based on the "New Road Servicing Rates".

Source Water Protection:

No comments.

Growth Planning:

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Lot 1) will remain as 1304 Scenic Drive (Ancaster), the lands to be conveyed (Lot 2) will be assigned the address of 1308 Scenic Drive (Ancaster), and the lands to be conveyed (Lot 3) will be assigned the address of 1312 Scenic Drive (Ancaster).

Transportation Planning:

Transportation Planning has no objection to the land severance application, provided the following conditions are met:

a. The existing right-of-way at the subject property is approximately 23.0 metres. Approximately, 3.0 metres are to be dedicated to the right-of-way on Scenic Drive, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Scenic Drive (Chateau Court to Mohawk Road) is to be 26.213 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

Niagara Escarpment Commission:

1304 Scenic Drive falls within the NEP area and is designated both Urban Area and Escarpment Natural Area (coinciding with the City's Core Areas). The site also falls within the area of Development Control, therefore, prior to any other municipal approvals, the applicant is required to obtain a Development Permit from the NEC.

- The proposed severances are both within the Urban Area. The Urban Area policies (1.7.4) permit lot creations subject to meeting the Development Objectives (1.7.5) and Part 2 of the NEP
- The Development Objectives, particularly 1.7.5.1 and Part 2.2 cannot be completely assessed without additional information/consideration for the design (compatibility with scenic resources of the escarpment, heights and setbacks) of the future development.

Further, an understanding of the loss of vegetation coverage would be helpful to determine the compatibility of the future lots against the impact to the scenic resources of the Escarpment

The hearing for the severance of 1304 Scenic Drive should be adjourned until a Development Permit is issued by the NEC.

See attached for additional comments.



Public Works Department, Environmental Services Division Forestry and Horticulture Section
77 James Street North, Suite 400
Hamilton, Ontario L8R 2K3
905-546-1312
UrbanForest@Hamilton.ca

Date: July 15, 2021

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer

Development Planning

City Hall – 71 Main Street West -5th Floor

From: Sam Brush, Urban Forest Health Technician

Subject: 1304 Scenic Dr., Ancaster

File: AN/B-21:53 AN/B-21:54

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, July 22, 2021, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

An assessment of the information provided shows that there are potential conflicts with publicly owned trees or trees that may become city assets through right of way widening. Where existing municipal trees are impacted by development work, are within proximity of the development work or access/egress to the development work, a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician.

Where ownership of trees in proximity to the boundary between public and private land is un-certain, the subject trees must be surveyed by the applicant to confirm ownership. Ownership is as per By-law 15-125. Ownership must be clearly identified on the Tree Management Plan as either municipal or private.

A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

Conditions of the Forestry and Horticulture Section will be cleared only after receipt of all applicable fees and payments.

TREE MANAGEMENT PLAN

A Tree Management Plan addressing tree protection is required for existing municipal trees during the construction of New Developments, Infrastructure Enhancements, Utility Upgrades, and other site improvements.

The Forestry and Horticulture Section requires that a **Tree Management Plan** be prepared by a **Landscape Architect**, full member OALA with custody and use of professional Seal. Plan must indicate proposal for tree retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines including temporary access roads, be accurately depicted on the submission. The Tree Management Plan must include a Tree Inventory Analysis Table, prepared by a certified **Arborist**. The Tree Inventory Analysis Table shall include the following data plus recommended action for each tree.

- Species by Botanical and common name
- Diameter at breast height in centimeters or millimeters
- Ownership (> 50% @ ground level = ownership)
- Biological health
- Structural condition
- Proposed grade changes within individual driplines
- Proposed utility construction within individual driplines
- Proposed removals or relocations
- Proposed trees to be protected

If it is determined and verified that existing trees can remain, a Tree Protection Zone with notes showing Tree Preservation Techniques and City of Hamilton standard Tree Hoarding detail PK1100.01 shall be included on construction plans to the satisfaction of the Director of Environmental Services.

All Healthy trees on municipal property which are found to be in conflict with this proposed development and do not meet our criteria for removal are subject to a replacement fee as outlined in the Public Tree Preservation and Sustainability Policy in conjunction with By-Law 15-125. Contraventions are subject to penalties as per By-law 15-125.

A \$278.80 plus HST permit fee, payable to the City of Hamilton is required prior to the permit issuance.

A <u>permit</u> will be issued upon approval of the Tree Management Plan and applicable fees.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY OF FORESTRY CONDITIONS

- A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
- A <u>permit</u> will be issued upon approval of the Tree Management Plan and applicable fees.

If you require clarification or technical assistance, please do not hesitate to contact me at (905) 546-2424 Ext. 7375.

Regards,

Sam Brush

An Z.

Urban Forest Health Technician

From: Elysia Estee <estee250@gmail.com>

Sent: July 20, 2021 9:54 AM **To:** Committee of Adjustment

Subject: Notice of Public Hearing AN/A-21:53 and AN/B-21:53 July 22, 2021

Notice of Public Hearing July 22nd, 2021 Subject Property 1304 Scenic Drive, Ancaster Objection submitted by Elysia Estee

- Minor Variance Application no: AN/A-21:230
- Application for Consent/Land Severance Application no: AN/B-21:53

Please read and consider all of the objections to this proposed Minor Variance and Land Severance. The objections are basically divided into 5 categories.

1. Unacceptable Conversion to High Density Housing and Negative affect on the rural nature of Scenic Dr.

Scenic Drive is one of Hamilton's truly beautiful roads with large sprawling lots and large well spaced country like homes. The homes of Scenic Drive with their wide lots and spread out housing with spacious side yards provide a significant buffer area between the Green Space of the Niagara Escarpment and the higher density of residential Hamilton housing.

The subject land is zoned Agricultural not Residential. The nature of the area is more rural than urban! This difference needs to be respected!

The proposal to reduce the minimum frontage from 30 meters to 18.1 meters combined with side yard reduction from 3.0 meters to 1.7 meters is unacceptable and completely contrary to the existing low density nature and appearance of all of Scenic Dr. The proposed Variance and Severance is a direct threat against the rural feel and buffer for the adjoining green space.

In addition a side yard reduction from approximately 11 meters to 1.7 meters will reduce the distance from the existing dwelling to the back of at least two Scenic Woods homes on lots 48 and 47 from approximately 20 meters to less than 11 meters. This is an unacceptable reduction in privacy.

2. Preservation of Green Space

Hamilton treasures it's green space! The beauty of our inner city parks and Conservation areas are only exceeded by the majesty of the Niagara Escarpment running from end to end of our urban area. Significant investment and dedication to green space has evolved Hamilton's reputation from one dominated by heavy industry and pollution! Hamilton is now one of Canada's greenest cities complete with the most waterfalls of any city.

The subject property is quite unique in that there is only a few on Scenic Dr. that back onto both the Niagara Escarpment Commission lands and the Hamilton Conservation Authority. These properties must be preserved and treated as part of Hamilton's coveted green space.

The conversion of Agricultural land to residential land is currently an issue in the Hamilton area. The green space along Scenic Dr. needs to be preserved for future generations of Hamiltonian's to enjoy as they drive, ride or walk along Scenic Drive.

The subject property is ideal for a single residence in the center of the property providing large green space side yards.

Keep Scenic Drive Scenic!!

3. Wildlife and Environmental Impact

In a publication by the City of Hamilton entitled: What's Alive in Hamilton A Guide to the Green Spaces of the City of Hamilton and Area

"Natural areas are identified as Environmentally Significant Areas (ESAs) in the City of Hamilton's Official Plan when they meet one or more of the following criteria:

1. They provide an important ecological function, such as corridors for wildlife movement"

There is no question that the subject property is a significant corridor for wildlife movement. Everyone who lives in the west end of Scenic Drive area is familiar with the significant deer population, coyote population and of course the large and successful Turkey population. All of these animals and several more species use the subject property for their daily commute back and forth from the Hydro fields to the Iroquois Heights Conservation area.

Animal / vehicle altercations are largely avoided because the existing open lot allows drivers to see the animals wandering toward the road. If these proposed homes are constructed the animals will dart out from between these tightly packed homes resulting in an unacceptable increase in animal / vehicle altercations.

A full environmental impact study needs to be completed, shared and reviewed prior to any decision.

Hamilton Spectator Nov 28,2012 Hamilton's Wild endangered species

The project is an update of a natural areas inventory first conducted in 1990 by the Hamilton Naturalists Club, which used local expertise to painstakingly compile lists of plant and animal species and maps of water and earth science features. The last update was published in 2003.

The new exploration mission, co-ordinated by the Hamilton Conservation Authority, has revealed more than 360 rare or uncommon plant and animal species in Hamilton. That includes a dragonfly species never previously reported in Hamilton, new habitat for the threatened Bobolink songbird and Dundas Valley discoveries of endangered eastern flowering dogwood.

In general, Hamilton boasts a higher number of plant species — upwards of 1,400 — than nearby municipalities, due in part to dramatically varied habitats like **the escarpment**, Beverly swamp, remnant prairies and Great Lakes shoreline.

A full environmental impact study needs to be completed, shared and reviewed prior to any decision.

4. Archaeological Significance - Preservation of Possible Aboriginal Cultural Artefacts

The following is an excerpt from a letter sent by the Hamilton Conservation Authority regarding a previous application for variance and severance on the subject property.

December 2, 2008, Michelle Sergi, HCA to D. Johnston, NEC, re W/R/2008/180 1304 Scenic Dr;

"Archaeology – The subject property (1304 Scenic Drive) meets five of the 11 criteria used by the city of Hamilton and Ministry of Culture for determining archaeological potential:

- 1. Within 300 meters of water or prehistoric water, or 200 meters of a secondary watercourse;
- 2. In an area of elevated topography;
- 3. Associated with unusual landforms:
- 4. Within 100 meters of a historic transportation corridor; and
- 5. Not subject to extensive, recent, intensive land disturbances.

These criteria define the property as having archaeological potential. Section 2.12 of the Niagara Escarpment Plan states that "care should be taken to discover unknown and to preserve known archaeological sites and areas where such sites might exist"

"...the owner shall carry out an archaeological assessment of the entire property and mitigate, through preservation or recourse removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping... or soil disturbances shall take place on the subject property..." All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Culture."

Given the recent events and current government relationship with Aboriginal People in Canada it is only prudent to invite the local Six Nations (Iroquois Confederacy) to perform / supervise the archaeological assessment of land adjoining Iroquois Heights Conservation Area, so named because it was home to the Iroquois. I am sure they will agree when contacted.

- 5. Proper review and sign off by all relevant Authorities before any Variance or Severance is considered, reviewed or approved.
 - Ontario's Niagara Escarpment Commission
 - Hamilton Conservation Authority
 - Ontario Hydro
 - Local Aboriginal band

This is at least the 4th submission for Variance and severance on the subject property. When each of the prior submissions was made neighbours and interested parties were provided with reviews and assessments by the Niagara Escarpment Commission, Hamilton Conservation Authority and Ontario Hydro.

We contacted the City of Hamilton Committee of Adjustment to find out why previous applications were refused, this was the response; "There is no record of a denied decision for any land severance and a minor variance application at 1304 Scenic Drive in Ancaster.

Aman Hansra Planning Technician II - Committee of Adjustment

This was surprising as we have old documentation from the city of Hamilton regarding an application in 2008 in which Adam Hannah (W/R/2006-2007/355) submitted twice and subsequently D Rock Holding (W/R/2008-2009/180) submitted once. Perhaps they never got past the NEC and HCA.

We contacted the NEC – they did not appear aware that a variance / severance was currently in-process. Quote from Johnpaul Loiacono, *Senior Planner*, Niagara Escarpment Commission;

"...the site is within development control meaning that the applicant will require a permit from the NEC before receiving any other permissions on the site including the severance."

All relevant Authorities need to be involved and sign off before any Variance or Severance is reviewed or approved

--

Elysia Estee

From: Elysia Estee <estee250@gmail.com> Sent: July 20, 2021 10:08 AM To: Committee of Adjustment Subject: Re: Notice of Public Hearing AN/A-21:53 and AN/B-21:53 July 22, 2021 Hello, My apologies, I should have included that! I am the owner and resident of 250 Lavender Drive, Ancaster L9K 1E5 Thank-you, Elysia On Tue, Jul 20, 2021 at 9:59 AM Committee of Adjustment < CofA@hamilton.ca> wrote: Hello Elysia, Thank you for submitting your comments and concerns. Can you please provide me with your property address for our records? I will not be able to include your comments without this information. Please note that all comments and other supporting information are due today before 12 p.m. as noted in the participation procedure circulated to you. Thank you, Aman Hansra Planning Technician II - Committee of Adjustment Planning and Economic Development Hamilton City Hall – 5th Floor 905-546-2424 ext. 3935

From: Committee of Adjustment Sent: July 15, 2021 12:37 PM

To: Julie Frank
Cc: Sanford Frank

Subject: RE: 1304 Scenic Drive

Good afternoon Julie,

There is no record of a denied decision for any land severance and a minor variance application at 1304 Scenic Drive in Ancaster.

Kindest regards, Aman Hansra

Planning Technician II - Committee of Adjustment Planning and Economic Development Hamilton City Hall – 5th Floor 905-546-2424 ext. 3935 aman.hansra@hamilton.ca



The City of Hamilton encourages physical distancing, wearing a mask in an enclosed public space, and increased handwashing. Learn more about the City's response to COVID-19 www.hamilton.ca/coronavirus.

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From: Julie Frank <juliefrank266@gmail.com>

Sent: July 14, 2021 10:48 AM

To: Committee of Adjustment <CofA@hamilton.ca> **Cc:** Sanford Frank <sanford.frank1@gmail.com>

Subject: 1304 Scenic Drive

I am opposed to the land severance and minor variance at 1304 Scenic Drive, Ancaster. Please respond to me with the reasons this property was denied these same applications in 2008.

Julie Frank 266 Lavender Dr Ancaster, ON L9K 1E5 905 518-9600

From: Sourav Ray <sourav.ray@gmail.com>

Sent: July 20, 2021 8:39 AM **To:** Committee of Adjustment

Subject: Inputs to Public Hearing July 22, 2021 (AN/A-21:230; AN/B-21:53-54)

TO:

Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Email: cofa@hamilton.ca

Reference: Notice of Public hearing, July 22, 2021

Subject Property 1304 Scenic Drive, Ancaster Minor Variance Application no: AN/A-21:230

Application for Consent/Land Severance no: AN/B-21:53 and AN/B-21:54

<u>Subject:</u> Objection, submitted by – Sourav Ray

The following are the bases of my objection to the proposed applications of Minor Variance and Land Severance.

(1) The proposals will result in high density housing which will be completely incongruent with the current rural nature of the Scenic Drive area.

The current rural nature and feel are key features of the surrounding Scenic Drive area and should not be changed. The large and open wooded lots on Scenic Drive separate the green space of the Niagara escarpment from the open Hydro lands and more dense residential areas beyond. The green and open spaces complement each other in anchoring the rural feel of the area. This is of immense value to the residents in the immediate vicinity as well as to visitors who frequent the location to enjoy one of the most beautiful roads in Hamilton. Indeed, much of the land in question is zoned agricultural, not residential.

The current proposal to reduce the minimum frontage from 30 metres to 18.1 metres and narrowing the side yards from 3 metres to 1.7 metres will introduce a high-density residential build-up that will be completely incongruent with the current low-density rural nature of the entire Scenic Drive area.

The side yard reductions from about 11 metres to 1.7 metres will also significantly reduce the distance between the dwelling and at least three properties in Scenic Woods – plots 47, 48 and 49 - from about 20 metres to 11 metres. This will be a significant encroachment on privacy and is unacceptable.

(2) Preserving Green Space

Hamilton has emerged as one of the greenest cities of the country – a significant evolution from the erstwhile image of being a polluted city. We must do all we can to preserve and support this welcome transformation.

A significant effort must go into protecting our green spaces. This need for protection is nowhere more important than in locations such as the subject property that backs on to protected lands of both the Niagara Escarpment Commission and the Hamilton Conservation Authority. We must preserve and treat this Scenic Drive property as part of Hamilton's

green space. This is critical for the future generations of Hamilton residents who will enjoy visiting this beautiful location. The existing property should continue to be a single property residence with its large, wooded lot, in keeping with the green space nature of the area.

(3) Adverse impact for Wildlife Habitat and Environmental Impact

The subject property is an important corridor for wildlife movement and meets a criterion for being an Environmentally Sensitive Area (ESA). These wildlife movements serve important ecological functions.

A significant population of deer, coyotes, foxes, turkey, racoons, skunks, use the subject property to move from the Iroquois Heights Conservation area to the meadow of the Hydro lands. It is of critical importance to preserve these routes.

The proposal will convert the open space into a high-density residential area and inevitably come in the way of this natural movement of wildlife. The residences will act as barriers to free movement and by reducing the degrees of freedom of wildlife, potentially increase animal-human collisions on Scenic Drive. Ultimately, this will reduce wildlife movement and reduce their numbers, with untold implications for the ecosystem.

The subject property and the adjoining the Niagara Escarpment Commission and Hamilton Conservation Authority lands is also the habitat of a wide variety of birds. The low-density rural nature of the location is undoubtedly a key contributor to this. A high-density residential build-up as proposed, will inevitably destroy a big part of the habitat.

A full environmental impact assessment must be duly conducted, shared and considered as part of the review and final decision.

(4) Multi-agency review

The subject property has important implications for multiple public and social agencies. There are interlinked considerations across environmental, social and heritage factors that need to be carefully reviewed together before any decision on the approval. The consideration of the application will be incomplete and inadequate without critical feedback from these agencies. So, before the applications for variance and severance are approved, they must be assessed and reviewed by the relevant agencies and their feedback shared with the neighbors and other interested parties.

- Ontario's Niagara Escarpment Commission
- Hamilton Conservation Authority
- Ontario Hydro
- Local Six Nations band

There have been several past submissions for variance and severance of the subject property and in each case assessments by the Niagara Escarpment Commission, Hamilton Conservation Authority and Ontario Hydro were provided to the neighbors and other interested parties. Each of these submissions were unsuccessful. So, extreme caution is called for and all these agencies should be involved in the assessment of the applications and their impact. (Relevant references can be provided if needed.)

In fact, it appears that following a past submission for variance and severance, the Hamilton Conservation Authority assessed that the subject property meets several criteria used by the city of Hamilton and Ministry of Culture to determine Archaeological Potential. Care should be taken to mitigate any adverse impact on significant archaeological sites. The current applications have no relevant documentation. (Relevant references can be provided if needed.)

Given the subject property is adjoining the Iroquois Heights Conservation Area, the traditional homeland for the Iroquois nation, it appears appropriate to conduct a full archaeological assessment in collaboration with the local Six Nations band (Iroquois Confederacy).

Sincerely,

Sourav Ray

Address: 264 Lavender Drive, Ancaster, ON L9K 1E5

Phone: 905-648-4496

From: Ron Lehigh < RonLehigh@msn.com>

Sent: July 19, 2021 11:50 PM **To:** Committee of Adjustment

Subject: Re: Objection to Variance and Severance 1304 Scenic Dr

I am a homeowner directly beside the properties in question. My wife Bonnie and I wish register our concern and Objection to the proposed variance and severance of 1304 Scenic Drive.

The proposed buildings and variances requested will no doubt impact us negatively, particularly the request to build closer to us than previously allowed. The current home is considerably further away and any change will impact on our privacy.

Over the last 30+ years that we have lived at 268 Lavender Dr Ancaster ON L9K 1E5, we have been accustomed to seeing daily wildlife movement ie deer, coyotes, turkeys, squirrels and birds from the conservation area to the fields of the power corridor to grazeand hunt. The new builds proposed will have dramatic effects on this current status. I am shocked that these variances would even be considered.

A full environmental impact study should be completed and shared prior to any movement on this project. I have not seen any comments from The Niagara Escarpment Commission regarding this proposal and I assume this would not proceed without their input.

Please consider our objections and those of all of our neighbours.

Thank-you for your consideration of our concerns.

Ron and Bonnie Lehigh

Get Outlook for Android

From: Sanford Frank <sanford.frank1@gmail.com>

Sent: July 19, 2021 9:30 PM **To:** Committee of Adjustment

Subject: Notice of Public Hearing AN/A-21:53 and AN/B-21:53 July 22, 2021

Attachments: Severance 1304 Scenic Dr. July 2021.doc

Submitted by: Julie and Sanford Frank 266 Lavender Drive, Ancaster (Lot 48 in Scenic Woods)

- Property adjacent to existing home.

Notice of Public Hearing July 22nd, 2021 Subject Property 1304 Scenic Drive, Ancaster Objections submitted by Sanford & Julie Frank, 266 Lavender Dr. Ancaster

Minor Variance Application no: AN/A-21:230

• Application for Consent/Land Severance Application no: AN/B-21:53

Please read and consider all of the objections to this proposed Minor Variance and Land Severance. The objections are basically divided into 5 categories.

1. Unacceptable Conversion to High Density Housing and Negative affect on the rural nature of Scenic Dr.

Scenic Drive is one of Hamilton's truly beautiful roads with large sprawling lots and large well spaced country like homes. The homes of Scenic Drive with their wide lots and spread out housing with spacious side yards provide a significant buffer area between the Green Space of the Niagara Escarpment and the higher density of residential Hamilton housing.

The subject land is zoned Agricultural not Residential. The nature of the area is more rural than urban! This difference needs to be respected!

The proposal to reduce the minimum frontage from 30 meters to 18.1 meters combined with side yard reduction from 3.0 meters to 1.7 meters is unacceptable and completely contrary to the existing low density nature and appearance of all of Scenic Dr. The proposed Variance and Severance is a direct threat against the rural feel and buffer for the adjoining green space.

In addition a side yard reduction from approximately 11 meters to 1.7 meters will reduce the distance from the existing dwelling to the back of at least two Scenic Woods homes on lots 48 and 47 from approximately 20 meters to less than 11 meters. This is an unacceptable reduction in privacy.

2. Preservation of Green Space

Hamilton treasures it's green space! The beauty of our inner city parks and Conservation areas are only exceeded by the majesty of the Niagara Escarpment running from end to end of our urban area. Significant investment and dedication to green space has evolved Hamilton's reputation from one dominated by heavy industry and pollution! Hamilton is now one of Canada's greenest cities complete with the most waterfalls of any city.

The subject property is quite unique in that there is only a few on Scenic Dr. that back onto both the Niagara Escarpment Commission lands and the Hamilton Conservation Authority. These properties must be preserved and treated as part of Hamilton's coveted green space.

The conversion of Agricultural land to residential land is currently an issue in the Hamilton area. The green space along Scenic Dr. needs to be preserved for future generations of Hamiltonian's to enjoy as they drive, ride or walk along Scenic Drive.

The subject property is ideal for a single residence in the center of the property providing large green space side yards.

Keep Scenic Drive Scenic!!

3. Wildlife and Environmental Impact

In a publication by the City of Hamilton entitled: What's Alive in Hamilton A Guide to the Green Spaces of the City of Hamilton and Area

"Natural areas are identified as Environmentally Significant Areas (ESAs) in the City of Hamilton's Official Plan when they meet one or more of the following criteria:

1. They provide an important ecological function, such as corridors for wildlife movement"

There is no question that the subject property is a significant corridor for wildlife movement. Everyone who lives in the west end of Scenic Drive area is familiar with the significant deer population, coyote population and of course the large and successful Turkey population. All of these animals and several more species use the subject property for their daily commute back and forth from the Hydro fields to the Iroquois Heights Conservation area.

Animal / vehicle altercations are largely avoided because the existing open lot allows drivers to see the animals wandering toward the road. If these proposed homes are constructed the animals will dart out from between these tightly packed homes resulting in an unacceptable increase in animal / vehicle altercations.

A full environmental impact study needs to be completed, shared and reviewed prior to any decision.

Hamilton Spectator Nov 28,2012 Hamilton's Wild endangered species

The project is an update of a natural areas inventory first conducted in 1990 by the Hamilton Naturalists Club, which used local expertise to painstakingly compile lists of plant and animal species and maps of water and earth science features. The last update was published in 2003.

The new exploration mission, co-ordinated by the Hamilton Conservation Authority, has revealed more than 360 rare or uncommon plant and animal species in Hamilton. That includes a dragonfly species never previously reported in Hamilton, new habitat for the threatened Bobolink songbird and Dundas Valley discoveries of endangered eastern flowering dogwood. In general, Hamilton boasts a higher number of plant species – upwards of 1,400 – than nearby municipalities, due in part to dramatically varied habitats like **the escarpment**, Beverly swamp, remnant prairies and Great Lakes shoreline.

A full environmental impact study needs to be completed, shared and reviewed prior to any decision.

4. Archaeological Significance - Preservation of Possible Aboriginal Cultural Artefacts

The following is an excerpt from Hamilton Conservation Authority letter regarding a previous application for variance and severance on the subject property.

December 2, 2008, Michelle Sergi, HCA to D. Johnston, NEC, re W/R/2008/180 1304 Scenic Dr;

"Archaeology – The subject property (1304 Scenic Drive) meets five of the 11 criteria used by the city of Hamilton and Ministry of Culture for determining archaeological potential:

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- 2. In an area of elevated topography;
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These criteria define the property as having archaeological potential. Section 2.12 of the Niagara Escarpment Plan states that "care should be taken to discover unknown and to preserve known archaeological sites and areas where such sites might exist"

"...the owner shall carry out an archaeological assessment of the entire property and mitigate, through preservation or recourse removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping... or soil disturbances shall take place on the subject property..." All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Culture."

Given the recent events and current government relationship with Aboriginal People in Canada it is only prudent to invite the local Six Nations (Iroquois Confederacy) to perform / supervise the archaeological assessment of land adjoining Iroquois Heights Conservation Area, so named because it was home to the Iroquois. I am sure they will agree when contacted.

- 5. Proper review and sign off by all relevant Authorities before any Variance or Severance is considered, reviewed or approved.
 - Ontario's Niagara Escarpment Commission
 - Hamilton Conservation Authority
 - Ontario Hydro
 - Local Aboriginal band

This is at least the 4th submission for Variance and severance on the subject property. When each of the prior submissions was made neighbours and interested parties were provided with reviews and assessments by the Niagara Escarpment Commission, Hamilton Conservation Authority and Ontario Hydro.

We contacted the City of Hamilton Committee of Adjustment to find out why previous applications were refused, this was the response; "There is no record of a denied decision for any land severance and a minor variance application at 1304 Scenic Drive in Ancaster.

Aman Hansra Planning Technician II - Committee of Adjustment

This was surprising as we have old documentation from the city of Hamilton regarding an application in 2008 in which Adam Hannah (W/R/2006-2007/355) submitted twice and subsequently D Rock Holding (W/R/2008-2009/180) submitted once. Perhaps they never got past the NEC and HCA.

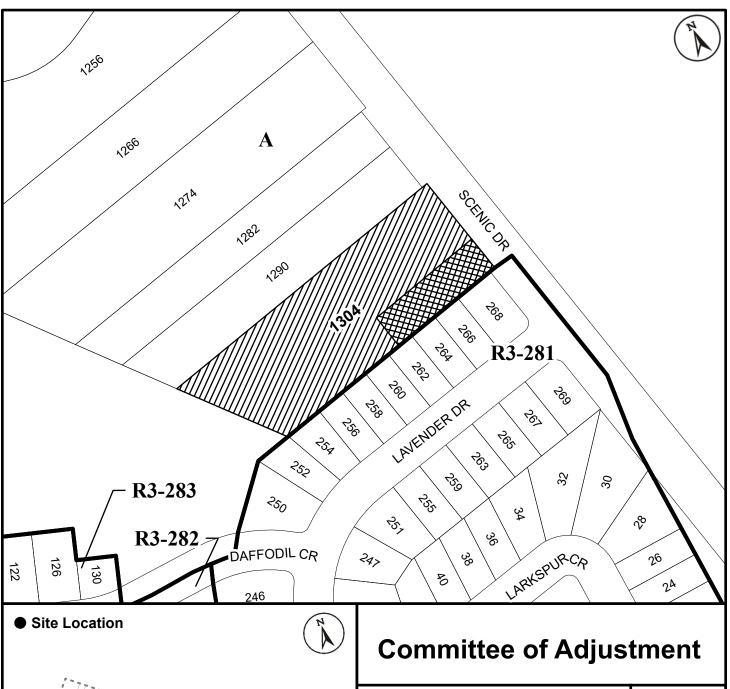
We contacted the NEC – they did not appear aware that a variance / severance was currently in-process. Quote from Johnpaul Loiacono, *Senior Planner*, Niagara Escarpment Commission

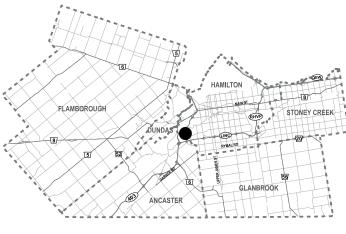
"...the site is within development control meaning that the applicant will require a permit from the NEC before receiving any other permissions on the site including the severance."

All the individuals that received the Notice of Public Hearing should be provided with the comments and sign off from all relevant Authorities before any Variance or Severance is reviewed or approved.



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City of Hamilton

Subject Property

1304 Scenic Drive, Ancaster (Ward 12)

Lands to be Retained

Lands to be Severed

File Name/Number: AN/B-21:53

> **Date:** July 16, 2021

Technician: VS

Map Not To Scale

Appendix "A"



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/B-21:54 – 1304 Scenic Dr., Ancaster

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

- The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
- 2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
- 3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
- 4. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division Zoning Section).
- 5. The owner shall demolish all exiting buildings and structures to the satisfaction of the Planning and Economic Development Department (Building Division Zoning Section).
- 6. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2021 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, sidewalks, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. All to the satisfaction of the City's Manager of Development Approvals.

- 7. Currently, the existing street have a rural cross section. Therefore, a as condition of approval the owner is required to provide a cash payment to the City for the future urbanization of the street based on the "New Road Servicing Rates", all to the satisfaction of the Manager of Development Engineering Approvals.
- 8. The existing right-of-way at the subject property is approximately 23.0 metres. Approximately, 3.0 metres are to be dedicated to the right-of-way on Scenic Drive, as per the Council Approved Urban Official Plan: Schedule C-2 Future Right-of-Way Dedications. Scenic Drive (Chateau Court to Mohawk Road) is to be 26.213 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s). Should you require any further information, please contact tplanning@hamilton.ca. (Transportation Planning)
- 9. A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees. **A permit will be issued upon approval of the Tree Management Plan and applicable fees.**

NOTE: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Lot 1) will remain as 1304 Scenic Drive (Ancaster), the lands to be conveyed (Lot 2) will be assigned the address of 1308 Scenic Drive (Ancaster), and the lands to be conveyed (Lot 3) will be assigned the address of 1312 Scenic Drive (Ancaster).

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

AN/B-21:54 – 1304 Scenic Dr., Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Suburban</u>

Comments will be provided at the Hearing.

Building Division:

- A variance for a reduced lot frontage is required for both the lands to be conveyed and the lands to be retained and a variance for a reduced lot area is required for the lands to be conveyed.
- 2. The applicant should obtain an appropriate municipal address for the proposed parcels from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
- 3. Demolition of all existing structures shall be a condition of consent. Such demolition is subject to the issuance of a demolition permit from the Building Division.
- 4. This application is to be heard in conjunction with minor variance application AN/A-21:230 and land severance application AN/B-21:53.

CONDITIONS:

- 1. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division Zoning Section).
- The owner shall demolish all exiting buildings and structures to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section).

Development Engineering:

Information:

According to our records, the subject section of Scenic Drive is classified as a collector roadway with an ultimate right-of-way width of 26.213m by Schedule C-2 of the Urban Hamilton Official Plan. The current right of way width of the subject section of Scenic Drive is ±20.1m. Therefore, a road allowance widening dedication of ±6.213m will be required. The new property line must be established ±13.10m from the centreline of Scenic Drive.

*The applicant shall provide the land transfer deed and certified R-plan prepared by a licensed Ontario Land Surveyor (OLS) as proof of land transfer to the City.

According to our GIS records, the existing municipal services front the subject property as follows:

Stone Church Road East

- 1. 1050mmø Sanitary Sewer
- 2. 300mmø Watermain

Recommendations:

- 1. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2021 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, sidewalks, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. All to the satisfaction of the City's Manager of Development Approvals.
- 2. That the Owner dedicate to the City of Hamilton by deed, sufficient land adjacent to Scenic Drive in order to establish the property line 13.10m from the original centreline of this roadway for road widening purposes.
- 3. Currently, the existing street have a rural cross section. Therefore, a as condition of approval the owner is required to provide a cash payment to the City for the future urbanization of the street based on the "New Road Servicing Rates".

Source Water Protection:

No comments.

Growth Planning:

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Lot 1) will remain as 1304 Scenic Drive (Ancaster), the lands to be conveyed (Lot 2) will be assigned the address of 1308 Scenic Drive (Ancaster), and the lands to be conveyed (Lot 3) will be assigned the address of 1312 Scenic Drive (Ancaster).

Transportation Planning:

Transportation Planning has no objection to the land severance application, provided the following conditions are met:

a. The existing right-of-way at the subject property is approximately 23.0 metres. Approximately, 3.0 metres are to be dedicated to the right-of-way on Scenic Drive, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Scenic Drive (Chateau Court to Mohawk Road) is to be 26.213 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

Niagara Escarpment Commission:

1304 Scenic Drive falls within the NEP area and is designated both Urban Area and Escarpment Natural Area (coinciding with the City's Core Areas). The site also falls within the area of Development Control, therefore, prior to any other municipal approvals, the applicant is required to obtain a Development Permit from the NEC.

- The proposed severances are both within the Urban Area. The Urban Area policies (1.7.4) permit lot creations subject to meeting the Development Objectives (1.7.5) and Part 2 of the NEP
- The Development Objectives, particularly 1.7.5.1 and Part 2.2 cannot be completely assessed without additional information/consideration for the design (compatibility with scenic resources of the escarpment, heights and setbacks) of the future development.

Further, an understanding of the loss of vegetation coverage would be helpful to determine the compatibility of the future lots against the impact to the scenic resources of the Escarpment

The hearing for the severance of 1304 Scenic Drive should be adjourned until a Development Permit is issued by the NEC.

See attached for additional comments.



Public Works Department, Environmental Services Division Forestry and Horticulture Section
77 James Street North, Suite 400
Hamilton, Ontario L8R 2K3
905-546-1312
UrbanForest@Hamilton.ca

Date: July 15, 2021

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer

Development Planning

City Hall – 71 Main Street West -5th Floor

From: Sam Brush, Urban Forest Health Technician

Subject: 1304 Scenic Dr., Ancaster

File: AN/B-21:53 AN/B-21:54

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, July 22, 2021, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

An assessment of the information provided shows that there are potential conflicts with publicly owned trees or trees that may become city assets through right of way widening. Where existing municipal trees are impacted by development work, are within proximity of the development work or access/egress to the development work, a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician.

Where ownership of trees in proximity to the boundary between public and private land is un-certain, the subject trees must be surveyed by the applicant to confirm ownership. Ownership is as per By-law 15-125. Ownership must be clearly identified on the Tree Management Plan as either municipal or private.

A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

Conditions of the Forestry and Horticulture Section will be cleared only after receipt of all applicable fees and payments.

TREE MANAGEMENT PLAN

A Tree Management Plan addressing tree protection is required for existing municipal trees during the construction of New Developments, Infrastructure Enhancements, Utility Upgrades, and other site improvements.

The Forestry and Horticulture Section requires that a **Tree Management Plan** be prepared by a **Landscape Architect**, full member OALA with custody and use of professional Seal. Plan must indicate proposal for tree retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines including temporary access roads, be accurately depicted on the submission. The Tree Management Plan must include a Tree Inventory Analysis Table, prepared by a certified **Arborist**. The Tree Inventory Analysis Table shall include the following data plus recommended action for each tree.

- Species by Botanical and common name
- Diameter at breast height in centimeters or millimeters
- Ownership (> 50% @ ground level = ownership)
- Biological health
- Structural condition
- Proposed grade changes within individual driplines
- Proposed utility construction within individual driplines
- Proposed removals or relocations
- Proposed trees to be protected

If it is determined and verified that existing trees can remain, a Tree Protection Zone with notes showing Tree Preservation Techniques and City of Hamilton standard Tree Hoarding detail PK1100.01 shall be included on construction plans to the satisfaction of the Director of Environmental Services.

All Healthy trees on municipal property which are found to be in conflict with this proposed development and do not meet our criteria for removal are subject to a replacement fee as outlined in the Public Tree Preservation and Sustainability Policy in conjunction with By-Law 15-125. Contraventions are subject to penalties as per By-law 15-125.

A \$278.80 plus HST permit fee, payable to the City of Hamilton is required prior to the permit issuance.

A <u>permit</u> will be issued upon approval of the Tree Management Plan and applicable fees.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY OF FORESTRY CONDITIONS

- A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
- A <u>permit</u> will be issued upon approval of the Tree Management Plan and applicable fees.

If you require clarification or technical assistance, please do not hesitate to contact me at (905) 546-2424 Ext. 7375.

Regards,

Sam Brush

An Z.

Urban Forest Health Technician

From: Elysia Estee <estee250@gmail.com>

Sent: July 20, 2021 9:54 AM **To:** Committee of Adjustment

Subject: Notice of Public Hearing AN/A-21:53 and AN/B-21:53 July 22, 2021

Notice of Public Hearing July 22nd, 2021 Subject Property 1304 Scenic Drive, Ancaster Objection submitted by Elysia Estee

• Minor Variance Application no: AN/A-21:230

Application for Consent/Land Severance Application no: AN/B-21:53

Please read and consider all of the objections to this proposed Minor Variance and Land Severance. The objections are basically divided into 5 categories.

1. Unacceptable Conversion to High Density Housing and Negative affect on the rural nature of Scenic Dr.

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"...the site is within development control meaning that the applicant will require a permit from the NEC before receiving any other permissions on the site including the severance."

All relevant Authorities need to be involved and sign off before any Variance or Severance is reviewed or approved

--

Elysia Estee

From: Sent: To: Subject:	Elysia Estee <estee250@gmail.com> July 20, 2021 10:08 AM Committee of Adjustment Re: Notice of Public Hearing AN/A-21:53 and AN/B-21:53 July 22, 2021</estee250@gmail.com>
Hello,	
, , ,	uld have included that! I am the owner and ender Drive, Ancaster L9K 1E5
Thank-you,	
Elysia	
On Tue, Jul 20, 2021 at 9:59 AM	Committee of Adjustment < CofA@hamilton.ca > wrote:
Hello Elysia,	
	or comments and concerns. Can you please provide me with your property I not be able to include your comments without this information.
Please note that all comments and other supporting information are <u>due today before 12 p.m.</u> as noted in the participation procedure circulated to you.	
Thank you,	
Aman Hansra	
Planning Technician II - Committee of Adjustment	
Planning and Economic De	evelopment
Hamilton City Hall – 5 th Floo	or
905-546-2424 ext. 3935	

From: Committee of Adjustment Sent: July 15, 2021 12:37 PM

To: Julie Frank
Cc: Sanford Frank

Subject: RE: 1304 Scenic Drive

Good afternoon Julie,

There is no record of a denied decision for any land severance and a minor variance application at 1304 Scenic Drive in Ancaster.

Kindest regards, Aman Hansra

Planning Technician II - Committee of Adjustment Planning and Economic Development Hamilton City Hall – 5th Floor 905-546-2424 ext. 3935 aman.hansra@hamilton.ca



The City of Hamilton encourages physical distancing, wearing a mask in an enclosed public space, and increased handwashing. Learn more about the City's response to COVID-19 www.hamilton.ca/coronavirus.

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From: Julie Frank <juliefrank266@gmail.com>

Sent: July 14, 2021 10:48 AM

To: Committee of Adjustment <CofA@hamilton.ca> **Cc:** Sanford Frank <sanford.frank1@gmail.com>

Subject: 1304 Scenic Drive

I am opposed to the land severance and minor variance at 1304 Scenic Drive, Ancaster. Please respond to me with the reasons this property was denied these same applications in 2008.

Julie Frank 266 Lavender Dr Ancaster, ON L9K 1E5 905 518-9600

From: Sourav Ray <sourav.ray@gmail.com>

Sent: July 20, 2021 8:39 AM **To:** Committee of Adjustment

Subject: Inputs to Public Hearing July 22, 2021 (AN/A-21:230; AN/B-21:53-54)

TO:

Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Email: cofa@hamilton.ca

Reference: Notice of Public hearing, July 22, 2021

Subject Property 1304 Scenic Drive, Ancaster Minor Variance Application no: AN/A-21:230

Application for Consent/Land Severance no: AN/B-21:53 and AN/B-21:54

<u>Subject:</u> Objection, submitted by – Sourav Ray

The following are the bases of my objection to the proposed applications of Minor Variance and Land Severance.

(1) The proposals will result in high density housing which will be completely incongruent with the current rural nature of the Scenic Drive area.

The current rural nature and feel are key features of the surrounding Scenic Drive area and should not be changed. The large and open wooded lots on Scenic Drive separate the green space of the Niagara escarpment from the open Hydro lands and more dense residential areas beyond. The green and open spaces complement each other in anchoring the rural feel of the area. This is of immense value to the residents in the immediate vicinity as well as to visitors who frequent the location to enjoy one of the most beautiful roads in Hamilton. Indeed, much of the land in question is zoned agricultural, not residential.

The current proposal to reduce the minimum frontage from 30 metres to 18.1 metres and narrowing the side yards from 3 metres to 1.7 metres will introduce a high-density residential build-up that will be completely incongruent with the current low-density rural nature of the entire Scenic Drive area.

The side yard reductions from about 11 metres to 1.7 metres will also significantly reduce the distance between the dwelling and at least three properties in Scenic Woods – plots 47, 48 and 49 - from about 20 metres to 11 metres. This will be a significant encroachment on privacy and is unacceptable.

(2) Preserving Green Space

Hamilton has emerged as one of the greenest cities of the country – a significant evolution from the erstwhile image of being a polluted city. We must do all we can to preserve and support this welcome transformation.

A significant effort must go into protecting our green spaces. This need for protection is nowhere more important than in locations such as the subject property that backs on to protected lands of both the Niagara Escarpment Commission and the Hamilton Conservation Authority. We must preserve and treat this Scenic Drive property as part of Hamilton's

green space. This is critical for the future generations of Hamilton residents who will enjoy visiting this beautiful location. The existing property should continue to be a single property residence with its large, wooded lot, in keeping with the green space nature of the area.

(3) Adverse impact for Wildlife Habitat and Environmental Impact

The subject property is an important corridor for wildlife movement and meets a criterion for being an Environmentally Sensitive Area (ESA). These wildlife movements serve important ecological functions.

A significant population of deer, coyotes, foxes, turkey, racoons, skunks, use the subject property to move from the Iroquois Heights Conservation area to the meadow of the Hydro lands. It is of critical importance to preserve these routes.

The proposal will convert the open space into a high-density residential area and inevitably come in the way of this natural movement of wildlife. The residences will act as barriers to free movement and by reducing the degrees of freedom of wildlife, potentially increase animal-human collisions on Scenic Drive. Ultimately, this will reduce wildlife movement and reduce their numbers, with untold implications for the ecosystem.

The subject property and the adjoining the Niagara Escarpment Commission and Hamilton Conservation Authority lands is also the habitat of a wide variety of birds. The low-density rural nature of the location is undoubtedly a key contributor to this. A high-density residential build-up as proposed, will inevitably destroy a big part of the habitat.

A full environmental impact assessment must be duly conducted, shared and considered as part of the review and final decision.

(4) Multi-agency review

The subject property has important implications for multiple public and social agencies. There are interlinked considerations across environmental, social and heritage factors that need to be carefully reviewed together before any decision on the approval. The consideration of the application will be incomplete and inadequate without critical feedback from these agencies. So, before the applications for variance and severance are approved, they must be assessed and reviewed by the relevant agencies and their feedback shared with the neighbors and other interested parties.

- Ontario's Niagara Escarpment Commission
- Hamilton Conservation Authority
- Ontario Hydro
- Local Six Nations band

There have been several past submissions for variance and severance of the subject property and in each case assessments by the Niagara Escarpment Commission, Hamilton Conservation Authority and Ontario Hydro were provided to the neighbors and other interested parties. Each of these submissions were unsuccessful. So, extreme caution is called for and all these agencies should be involved in the assessment of the applications and their impact. (Relevant references can be provided if needed.)

In fact, it appears that following a past submission for variance and severance, the Hamilton Conservation Authority assessed that the subject property meets several criteria used by the city of Hamilton and Ministry of Culture to determine Archaeological Potential. Care should be taken to mitigate any adverse impact on significant archaeological sites. The current applications have no relevant documentation. (Relevant references can be provided if needed.)

Given the subject property is adjoining the Iroquois Heights Conservation Area, the traditional homeland for the Iroquois nation, it appears appropriate to conduct a full archaeological assessment in collaboration with the local Six Nations band (Iroquois Confederacy).

Sincerely,

Sourav Ray

Address: 264 Lavender Drive, Ancaster, ON L9K 1E5

Phone: 905-648-4496

From: Ron Lehigh < RonLehigh@msn.com>

Sent: July 19, 2021 11:50 PM **To:** Committee of Adjustment

Subject: Re: Objection to Variance and Severance 1304 Scenic Dr

I am a homeowner directly beside the properties in question. My wife Bonnie and I wish register our concern and Objection to the proposed variance and severance of 1304 Scenic Drive.

The proposed buildings and variances requested will no doubt impact us negatively, particularly the request to build closer to us than previously allowed. The current home is considerably further away and any change will impact on our privacy.

Over the last 30+ years that we have lived at 268 Lavender Dr Ancaster ON L9K 1E5, we have been accustomed to seeing daily wildlife movement ie deer, coyotes, turkeys, squirrels and birds from the conservation area to the fields of the power corridor to grazeand hunt. The new builds proposed will have dramatic effects on this current status. I am shocked that these variances would even be considered.

A full environmental impact study should be completed and shared prior to any movement on this project. I have not seen any comments from The Niagara Escarpment Commission regarding this proposal and I assume this would not proceed without their input.

Please consider our objections and those of all of our neighbours.

Thank-you for your consideration of our concerns.

Ron and Bonnie Lehigh

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From: Sanford Frank <sanford.frank1@gmail.com>

Sent: July 19, 2021 9:30 PM **To:** Committee of Adjustment

Subject: Notice of Public Hearing AN/A-21:53 and AN/B-21:53 July 22, 2021

Attachments: Severance 1304 Scenic Dr. July 2021.doc

Submitted by: Julie and Sanford Frank 266 Lavender Drive, Ancaster (Lot 48 in Scenic Woods)

- Property adjacent to existing home.

Notice of Public Hearing July 22nd, 2021 Subject Property 1304 Scenic Drive, Ancaster Objections submitted by Sanford & Julie Frank, 266 Lavender Dr. Ancaster

Minor Variance Application no: AN/A-21:230

• Application for Consent/Land Severance Application no: AN/B-21:53

Please read and consider all of the objections to this proposed Minor Variance and Land Severance. The objections are basically divided into 5 categories.

1. Unacceptable Conversion to High Density Housing and Negative affect on the rural nature of Scenic Dr.

Scenic Drive is one of Hamilton's truly beautiful roads with large sprawling lots and large well spaced country like homes. The homes of Scenic Drive with their wide lots and spread out housing with spacious side yards provide a significant buffer area between the Green Space of the Niagara Escarpment and the higher density of residential Hamilton housing.

The subject land is zoned Agricultural not Residential. The nature of the area is more rural than urban! This difference needs to be respected!

The proposal to reduce the minimum frontage from 30 meters to 18.1 meters combined with side yard reduction from 3.0 meters to 1.7 meters is unacceptable and completely contrary to the existing low density nature and appearance of all of Scenic Dr. The proposed Variance and Severance is a direct threat against the rural feel and buffer for the adjoining green space.

In addition a side yard reduction from approximately 11 meters to 1.7 meters will reduce the distance from the existing dwelling to the back of at least two Scenic Woods homes on lots 48 and 47 from approximately 20 meters to less than 11 meters. This is an unacceptable reduction in privacy.

2. Preservation of Green Space

Hamilton treasures it's green space! The beauty of our inner city parks and Conservation areas are only exceeded by the majesty of the Niagara Escarpment running from end to end of our urban area. Significant investment and dedication to green space has evolved Hamilton's reputation from one dominated by heavy industry and pollution! Hamilton is now one of Canada's greenest cities complete with the most waterfalls of any city.

The subject property is quite unique in that there is only a few on Scenic Dr. that back onto both the Niagara Escarpment Commission lands and the Hamilton Conservation Authority. These properties must be preserved and treated as part of Hamilton's coveted green space.

The conversion of Agricultural land to residential land is currently an issue in the Hamilton area. The green space along Scenic Dr. needs to be preserved for future generations of Hamiltonian's to enjoy as they drive, ride or walk along Scenic Drive.

The subject property is ideal for a single residence in the center of the property providing large green space side yards.

Keep Scenic Drive Scenic!!

3. Wildlife and Environmental Impact

In a publication by the City of Hamilton entitled: What's Alive in Hamilton A Guide to the Green Spaces of the City of Hamilton and Area

"Natural areas are identified as Environmentally Significant Areas (ESAs) in the City of Hamilton's Official Plan when they meet one or more of the following criteria:

1. They provide an important ecological function, such as corridors for wildlife movement"

There is no question that the subject property is a significant corridor for wildlife movement. Everyone who lives in the west end of Scenic Drive area is familiar with the significant deer population, coyote population and of course the large and successful Turkey population. All of these animals and several more species use the subject property for their daily commute back and forth from the Hydro fields to the Iroquois Heights Conservation area.

Animal / vehicle altercations are largely avoided because the existing open lot allows drivers to see the animals wandering toward the road. If these proposed homes are constructed the animals will dart out from between these tightly packed homes resulting in an unacceptable increase in animal / vehicle altercations.

A full environmental impact study needs to be completed, shared and reviewed prior to any decision.

Hamilton Spectator Nov 28,2012 Hamilton's Wild endangered species

The project is an update of a natural areas inventory first conducted in 1990 by the Hamilton Naturalists Club, which used local expertise to painstakingly compile lists of plant and animal species and maps of water and earth science features. The last update was published in 2003.

The new exploration mission, co-ordinated by the Hamilton Conservation Authority, has revealed more than 360 rare or uncommon plant and animal species in Hamilton. That includes a dragonfly species never previously reported in Hamilton, new habitat for the threatened Bobolink songbird and Dundas Valley discoveries of endangered eastern flowering dogwood. In general, Hamilton boasts a higher number of plant species – upwards of 1,400 – than nearby municipalities, due in part to dramatically varied habitats like **the escarpment**, Beverly swamp, remnant prairies and Great Lakes shoreline.

A full environmental impact study needs to be completed, shared and reviewed prior to any decision.

4. Archaeological Significance - Preservation of Possible Aboriginal Cultural Artefacts

The following is an excerpt from Hamilton Conservation Authority letter regarding a previous application for variance and severance on the subject property.

December 2, 2008, Michelle Sergi, HCA to D. Johnston, NEC, re W/R/2008/180 1304 Scenic Dr;

"Archaeology – The subject property (1304 Scenic Drive) meets five of the 11 criteria used by the city of Hamilton and Ministry of Culture for determining archaeological potential:

- 1. Within 300 meters of water or prehistoric water, or 200 meters of a secondary watercourse;
- 2. In an area of elevated topography;
- 3. Associated with unusual landforms;
- 4. Within 100 meters of a historic transportation corridor; and
- 5. Not subject to extensive, recent, intensive land disturbances.

These criteria define the property as having archaeological potential. Section 2.12 of the Niagara Escarpment Plan states that "care should be taken to discover unknown and to preserve known archaeological sites and areas where such sites might exist"

"...the owner shall carry out an archaeological assessment of the entire property and mitigate, through preservation or recourse removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping... or soil disturbances shall take place on the subject property..." All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Culture."

Given the recent events and current government relationship with Aboriginal People in Canada it is only prudent to invite the local Six Nations (Iroquois Confederacy) to perform / supervise the archaeological assessment of land adjoining Iroquois Heights Conservation Area, so named because it was home to the Iroquois. I am sure they will agree when contacted.

- 5. Proper review and sign off by all relevant Authorities before any Variance or Severance is considered, reviewed or approved.
 - Ontario's Niagara Escarpment Commission
 - Hamilton Conservation Authority
 - Ontario Hydro
 - Local Aboriginal band

This is at least the 4th submission for Variance and severance on the subject property. When each of the prior submissions was made neighbours and interested parties were provided with reviews and assessments by the Niagara Escarpment Commission, Hamilton Conservation Authority and Ontario Hydro.

We contacted the City of Hamilton Committee of Adjustment to find out why previous applications were refused, this was the response; "There is no record of a denied decision for any land severance and a minor variance application at 1304 Scenic Drive in Ancaster.

Aman Hansra Planning Technician II - Committee of Adjustment

This was surprising as we have old documentation from the city of Hamilton regarding an application in 2008 in which Adam Hannah (W/R/2006-2007/355) submitted twice and subsequently D Rock Holding (W/R/2008-2009/180) submitted once. Perhaps they never got past the NEC and HCA.

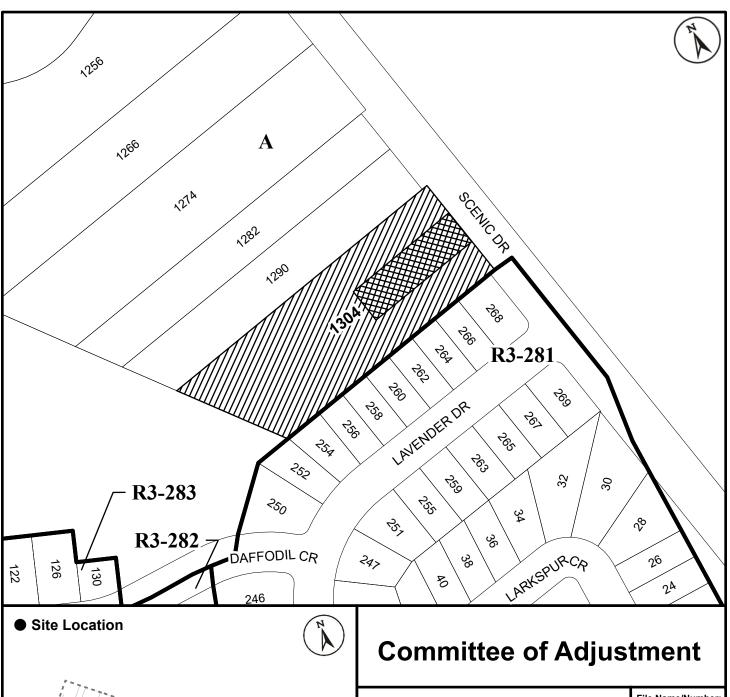
We contacted the NEC – they did not appear aware that a variance / severance was currently in-process. Quote from Johnpaul Loiacono, *Senior Planner*, Niagara Escarpment Commission

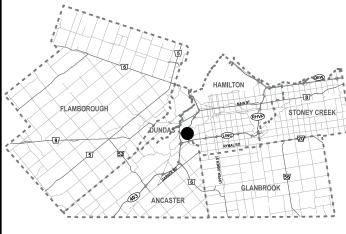
"...the site is within development control meaning that the applicant will require a permit from the NEC before receiving any other permissions on the site including the severance."

All the individuals that received the Notice of Public Hearing should be provided with the comments and sign off from all relevant Authorities before any Variance or Severance is reviewed or approved.



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City of Hamilton

Subject Property

1304 Scenic Drive, Ancaster (Ward 12)

Lands to be Retained

Lands to be Severed

File Name/Number: AN/B-21:54

> **Date:** July 16, 2021

Technician: VS

Map Not To Scale

Appendix "A"



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-21:230 – 1304 Scenic Dr., Ancaster

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

AN/A-21:230 – 1304 Scenic Dr., Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Suburban</u>

Comments will be provided at the Hearing.

Building Division:

- 1. A portion of Lot 1 is shown to be located within the Niagara Escarpment Commission's Control Area. As such, the Niagara Escarpment Commission regulates development and the provisions contained within the Ancaster Zoning By-law 87-57 do not apply.
- 2. Details regarding the proposed single detached dwellings have not been provided. Further variances may be required at such time a complete zoning compliance review is conducted on the proposed construction.
- 3. Variance 1 and 2 are necessary to facilitate Land Severance applications AN/B-21:53 and AN/B-21:54 to be heard in conjunction with this application.
- 4. The lands are subject to Site Plan Control. As such, development or redevelopment may require application to the Development Planning Division.
- 5. The lands are subject to Conservation Management. Please contact the Hamilton Conservation Authority prior to any proposed development.
- 6. Construction of the proposed dwellings are subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
- 7. Demolition of the existing building are subject to the issuance of a demolition permit from the Building Division.

Development Engineering:

No comments.

Niagara Escarpment Commission:

1304 Scenic Drive falls within the NEP area and is designated both Urban Area and

Escarpment Natural Area (coinciding with the City's Core Areas). The site also falls within the area of Development Control, therefore, prior to any other municipal approvals, the applicant is required to obtain a Development Permit from the NEC.

- The proposed severances are both within the Urban Area. The Urban Area policies (1.7.4) permit lot creations subject to meeting the Development Objectives (1.7.5) and Part 2 of the NEP
- The Development Objectives, particularly 1.7.5.1 and Part 2.2 cannot be completely assessed without additional information/consideration for the design (compatibility with scenic resources of the escarpment, heights and setbacks) of the future development.

Further, an understanding of the loss of vegetation coverage would be helpful to determine the compatibility of the future lots against the impact to the scenic resources of the Escarpment

The hearing for the severance of 1304 Scenic Drive should be adjourned until a Development Permit is issued by the NEC.

See attached for additional comments.

From: Committee of Adjustment Sent: July 15, 2021 12:37 PM

To: Julie Frank
Cc: Sanford Frank

Subject: RE: 1304 Scenic Drive

Good afternoon Julie,

There is no record of a denied decision for any land severance and a minor variance application at 1304 Scenic Drive in Ancaster.

Kindest regards, Aman Hansra

Planning Technician II - Committee of Adjustment Planning and Economic Development Hamilton City Hall – 5th Floor 905-546-2424 ext. 3935 aman.hansra@hamilton.ca



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From: Julie Frank <juliefrank266@gmail.com>

Sent: July 14, 2021 10:48 AM

To: Committee of Adjustment <CofA@hamilton.ca> **Cc:** Sanford Frank <sanford.frank1@gmail.com>

Subject: 1304 Scenic Drive

I am opposed to the land severance and minor variance at 1304 Scenic Drive, Ancaster. Please respond to me with the reasons this property was denied these same applications in 2008.

Julie Frank 266 Lavender Dr Ancaster, ON L9K 1E5 905 518-9600

From: Sourav Ray <sourav.ray@gmail.com>

Sent: July 20, 2021 8:39 AM **To:** Committee of Adjustment

Subject: Inputs to Public Hearing July 22, 2021 (AN/A-21:230; AN/B-21:53-54)

TO:

Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Email: cofa@hamilton.ca

Reference: Notice of Public hearing, July 22, 2021

Subject Property 1304 Scenic Drive, Ancaster Minor Variance Application no: AN/A-21:230

Application for Consent/Land Severance no: AN/B-21:53 and AN/B-21:54

<u>Subject:</u> Objection, submitted by – Sourav Ray

The following are the bases of my objection to the proposed applications of Minor Variance and Land Severance.

(1) The proposals will result in high density housing which will be completely incongruent with the current rural nature of the Scenic Drive area.

The current rural nature and feel are key features of the surrounding Scenic Drive area and should not be changed. The large and open wooded lots on Scenic Drive separate the green space of the Niagara escarpment from the open Hydro lands and more dense residential areas beyond. The green and open spaces complement each other in anchoring the rural feel of the area. This is of immense value to the residents in the immediate vicinity as well as to visitors who frequent the location to enjoy one of the most beautiful roads in Hamilton. Indeed, much of the land in question is zoned agricultural, not residential.

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The side yard reductions from about 11 metres to 1.7 metres will also significantly reduce the distance between the dwelling and at least three properties in Scenic Woods – plots 47, 48 and 49 - from about 20 metres to 11 metres. This will be a significant encroachment on privacy and is unacceptable.

(2) Preserving Green Space

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A significant effort must go into protecting our green spaces. This need for protection is nowhere more important than in locations such as the subject property that backs on to protected lands of both the Niagara Escarpment Commission and the Hamilton Conservation Authority. We must preserve and treat this Scenic Drive property as part of Hamilton's

green space. This is critical for the future generations of Hamilton residents who will enjoy visiting this beautiful location. The existing property should continue to be a single property residence with its large, wooded lot, in keeping with the green space nature of the area.

(3) Adverse impact for Wildlife Habitat and Environmental Impact

The subject property is an important corridor for wildlife movement and meets a criterion for being an Environmentally Sensitive Area (ESA). These wildlife movements serve important ecological functions.

A significant population of deer, coyotes, foxes, turkey, racoons, skunks, use the subject property to move from the Iroquois Heights Conservation area to the meadow of the Hydro lands. It is of critical importance to preserve these routes.

The proposal will convert the open space into a high-density residential area and inevitably come in the way of this natural movement of wildlife. The residences will act as barriers to free movement and by reducing the degrees of freedom of wildlife, potentially increase animal-human collisions on Scenic Drive. Ultimately, this will reduce wildlife movement and reduce their numbers, with untold implications for the ecosystem.

The subject property and the adjoining the Niagara Escarpment Commission and Hamilton Conservation Authority lands is also the habitat of a wide variety of birds. The low-density rural nature of the location is undoubtedly a key contributor to this. A high-density residential build-up as proposed, will inevitably destroy a big part of the habitat.

A full environmental impact assessment must be duly conducted, shared and considered as part of the review and final decision.

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The subject property has important implications for multiple public and social agencies. There are interlinked considerations across environmental, social and heritage factors that need to be carefully reviewed together before any decision on the approval. The consideration of the application will be incomplete and inadequate without critical feedback from these agencies. So, before the applications for variance and severance are approved, they must be assessed and reviewed by the relevant agencies and their feedback shared with the neighbors and other interested parties.

- Ontario's Niagara Escarpment Commission
- Hamilton Conservation Authority
- Ontario Hydro
- Local Six Nations band

There have been several past submissions for variance and severance of the subject property and in each case assessments by the Niagara Escarpment Commission, Hamilton Conservation Authority and Ontario Hydro were provided to the neighbors and other interested parties. Each of these submissions were unsuccessful. So, extreme caution is called for and all these agencies should be involved in the assessment of the applications and their impact. (Relevant references can be provided if needed.)

In fact, it appears that following a past submission for variance and severance, the Hamilton Conservation Authority assessed that the subject property meets several criteria used by the city of Hamilton and Ministry of Culture to determine Archaeological Potential. Care should be taken to mitigate any adverse impact on significant archaeological sites. The current applications have no relevant documentation. (Relevant references can be provided if needed.)

Given the subject property is adjoining the Iroquois Heights Conservation Area, the traditional homeland for the Iroquois nation, it appears appropriate to conduct a full archaeological assessment in collaboration with the local Six Nations band (Iroquois Confederacy).

Sincerely,

Sourav Ray

Address: 264 Lavender Drive, Ancaster, ON L9K 1E5

Phone: 905-648-4496

From: Ron Lehigh < RonLehigh@msn.com>

Sent: July 19, 2021 11:50 PM **To:** Committee of Adjustment

Subject: Re: Objection to Variance and Severance 1304 Scenic Dr

I am a homeowner directly beside the properties in question. My wife Bonnie and I wish register our concern and Objection to the proposed variance and severance of 1304 Scenic Drive.

The proposed buildings and variances requested will no doubt impact us negatively, particularly the request to build closer to us than previously allowed. The current home is considerably further away and any change will impact on our privacy.

Over the last 30+ years that we have lived at 268 Lavender Dr Ancaster ON L9K 1E5, we have been accustomed to seeing daily wildlife movement ie deer, coyotes, turkeys, squirrels and birds from the conservation area to the fields of the power corridor to grazeand hunt. The new builds proposed will have dramatic effects on this current status. I am shocked that these variances would even be considered.

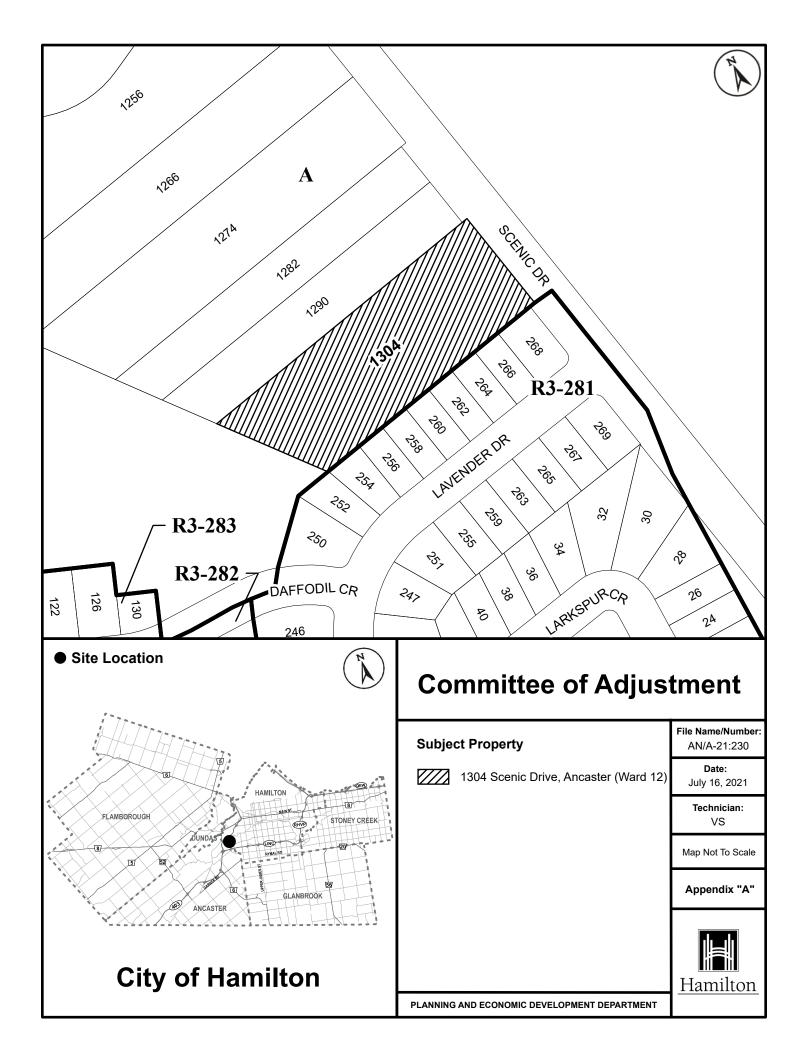
A full environmental impact study should be completed and shared prior to any movement on this project. I have not seen any comments from The Niagara Escarpment Commission regarding this proposal and I assume this would not proceed without their input.

Please consider our objections and those of all of our neighbours.

Thank-you for your consideration of our concerns.

Ron and Bonnie Lehigh

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HM/A-21:235 – 15 Danson Dr., Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

HM/A-21:235 – 15 Danson Dr., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Suburban</u>

The purpose of this application is to permit the construction of a 16.7 sq. m accessory building (cabana) in the rear yard of an existing single detached dwelling, notwithstanding a variance is required to permit the proposed 1.5 m setback from the Donnici Drive street line.

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Policy E.3.4.3 applies, amongst others, and permits a single detached dwelling. The proposal to construct a structure accessory to the existing single detached dwelling maintains the intent of the Official Plan.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned "C" District (Urban Protected Residential, Etc.), which permits single detached dwellings, subject to the applicable provisions.

Variance 1

The accessory building (cabana) is proposed to be set back a minimum of 1.5 m from the street line, whereas accessory structures are required to be set back a minimum of 6.0 m from the street line on a corner lot. The intent is to minimize the impact of the massing on the streetscape. As the proposed cabana meets the maximum height requirement and is screened from the street by fencing and a landscaped strip along the street line, staff is of the opinion that the reduced setback from the street line to allow the proposed cabana will have negligible new impact on the streetscape.

Recommendation:

Having regard for the matters under subsection 45(1) of the *Planning Act*, staff is satisfied that the requested variance maintains the purpose and intent of the Official Plan and the Zoning By-law. The variance is desirable for the appropriate development of the land, and minor in nature. Staff recommends that the requested variance, as outlined in the Notice of Hearing, be **approved**.

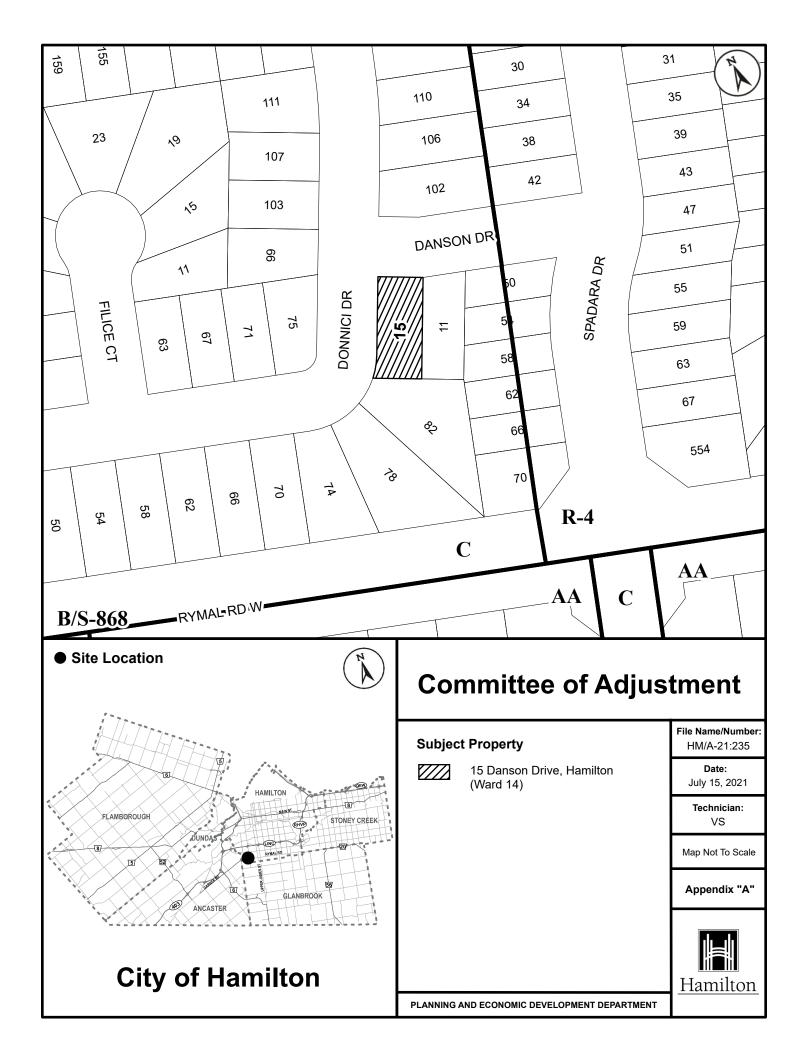
Building Division:

- A building permit is required for the proposed accessory building. Be advised that Ontario Building Code regulations may require specific setback and construction types.
- 2. Building Permit No. 20-167852, issued on March 15, 2021, to construct a pool enclosure for the proposed in-ground swimming pool, remains not finalized.

Development Engineering:

Provided that the existing drainage pattern is maintained, Development Approvals has no comments.

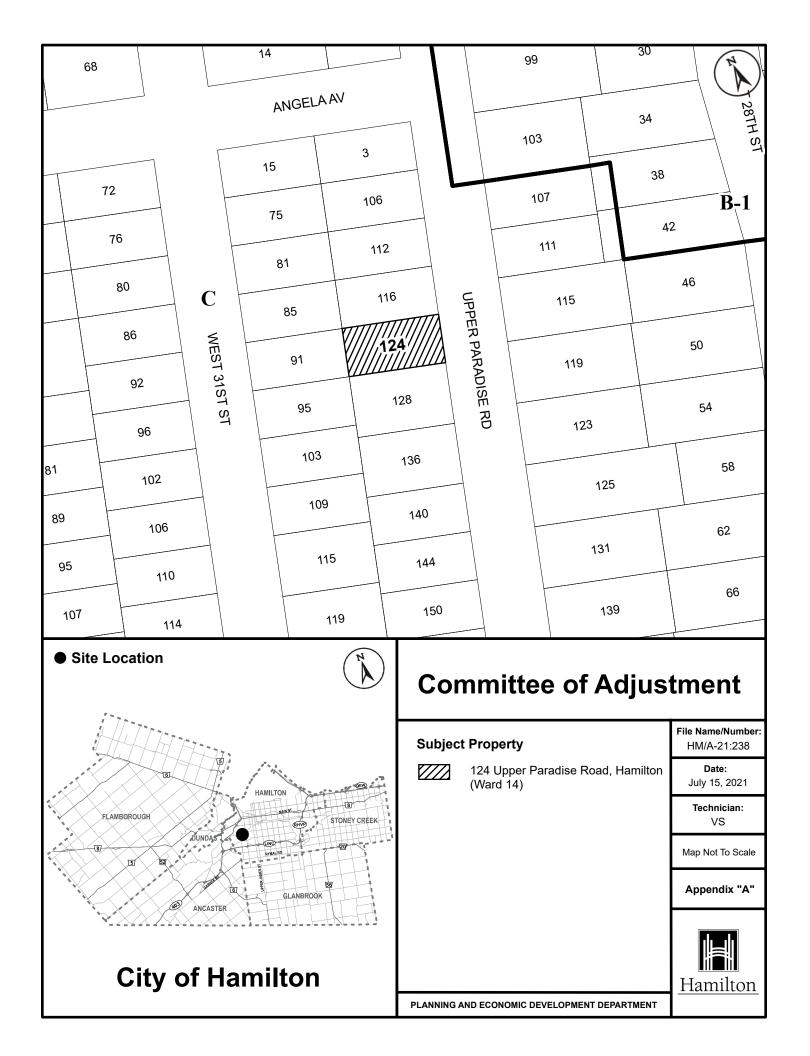
See attached for additional comments.



HM/A-21:238 – 124 Upper Paradise St., Hamilton

Consolidation Report

The above noted Committee of Adjustment application has been WITHDRAWN.



SC/A-21:225 – 1047-1049 Barton St., Stoney Creek

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

1. That the owner shall investigate the noise levels on the subject lands and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.

SC/A-21:225 – 1047-1049 Barton St., Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Suburban</u>

The purpose of this application is to facilitate the construction of a six (6) unit industrial building with 2,067 sq. m of office space, and the establishment of eighty-four (84) surface parking spaces, notwithstanding the following variances are required:

- 1. A minimum 4.25 metre yard abutting a street shall be permitted instead of the minimum required 6.0 metre yard abutting a street.
- 2. A maximum building height of 13.0 metres shall be permitted, instead of the maximum permitted building height of 11.0 metres.
- 3. A minimum 1.2 metre landscaped area shall be provided where the parking area for more than four vehicles abuts a street, instead of the minimum 6.0-metre-wide landscaped area required.
- 4. A minimum 1.2-metre-wide planting strip shall be provided within the landscaped area, instead of the minimum 3.0-metre-wide planting strip required.
- 5. A visual barrier shall be permitted to extend along a portion of the eastern lot line(s) of the abutting residential lots to the west, instead of the requirement that a visual barrier shall be provided along the entire extent of the eastern lot line(s) of the abutting residential lots to the west.
- 6. Parking spaces and aisles giving direct access to abutting parking spaces shall be permitted to be located 1.25 metres from the street line, instead of the requirement that parking spaces and aisles giving direct access to abutting parking spaces, shall not be located within 3.0 metres of a street line.
- 7. Loading facilities shall be permitted along the west elevation of the building, and face the eastern lot line of the abutting residential properties to the west, instead of the requirement that a loading space shall not be permitted on any west of elevation of the building that faces the eastern lot line of the abutting residential properties to the west, except where separated by another building.
- 8. A maximum loading space length of 23.0 metres shall be permitted, instead of the maximum permitted loading space length of 10.0 metres, where located within 40.0 metres of the eastern lot line of the abutting residential properties to the west.

- 9. A noise attenuation wall shall be permitted that is not attached to the wall of the building, instead of the requirement that a loading space located within 40.0 metres of the eastern lot line of the abutting residential properties to the west, shall be screed by a noise attenuation wall attached to the building.
- 10. Three (3) barrier free parking space shall be permitted, instead of the minimum required ten (10) barrier free parking spaces.
- 11. Eighty-four (84) parking spaces shall be permitted, instead of the minimum required four-hundred and thirteen (413) parking spaces.
- 12. Access to the proposed parking and loading area shall be provided on an adjacent property, instead of the requirement that required parking facilities shall be located on the same lot as the use requiring the parking.
- 13. To permit an access driveway for the proposed industrial use (i.e. a Planned Business Centre) contained within the "M3 and M3, E440" zones to be provided on a lot zoned "R1" notwithstanding industrial uses are not permitted within the "R1" zone. [Identified subsequent to the giving of Public Notice. Please see comments from the Building Division Zoning Section.]

Background

Site-Specific (M3-440) Zoning:

The lands are subject to site-specific zoning (M3, 440) that was approved by the Ontario Municipal Board (now Ontario Land Tribunal) on June 28, 2011 (decision No. PL100633), following the appeal of Industrial Zoning By-law No. 10-128. Special Exception 440 contains requirements intended to limit the impact of the industrial development on the abutting single detached dwellings, a sensitive land use located to the west.

Site Plan Control Application DA-18-154:

A Site Plan Control application DA-18-154, for the subject lands was conditionally approved on December 11, 2019 (extended to December 13, 2021), for the construction of 93 industrial units in five (5) separate industrial buildings with a total GFA of 16,945 sq. m and 436 parking spaces. One loading space was proposed for each unit for a total of 93 loading spaces. An additional 21 loading spaces facing the abutting sensitive land use were proposed along the west elevation of Building #5. The proposed loading spaces are 11.6 m in length and located within the building. One minor variance was required to facilitate the conditionally approved plans:

"that loading spaces on the west elevation of Building #5 which exceeds 10.0 m in length be permitted 17.2 m from the eastern lot line, whereas 40.0 m is required.

The development proposed (through this current Minor Variance application) is for the construction of a six-unit industrial building with a total GFA of 20,636 sq. m, 84 parking spaces, and 41 loading spaces. The loading spaces, 23.0 m in length and external to the building abut a sensitive land use to the west. This proposal represents a substantial deviation in site design from that of the conditionally approved plans.

Thirteen minor variances are required to facilitate the proposed development.

Urban Hamilton Official Plan

The subject lands are identified as "Employment Areas" and "Secondary Corridors" on Schedule "E" – Urban Structure and designated "Business Park" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). A range of employment uses, including warehouses, offices, and manufacturing uses are permitted within the designation (E.5.4.3).

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Prestige Business Park (M3 and M3, 440) Zone which permits a range of employment uses, subject to the applicable provisions.

Thirteen variances are required to facilitate the proposal. A summary of staff's comments and concerns is provided in the Table below:

-		
	Variance Requested	Comments

A minimum 4.25 metre yard abutting a street shall be permitted instead of the minimum required 6.0 metre yard abutting a street.

- The intent of the Zoning By-law is to maintain a uniform streetscape and ensure there is adequate space that meets access, landscaping and parking requirements.
- In addition to the required 6 m minimum building setback, a 6 m wide landscaped area is required in the front yard.
- The requested 4.25 m front yard setback triggers a landscaped area width reduction from 6 m to 1.8 m in front of the building in order to accommodate the pedestrian pathway, and a reduction from 6 m to 1.2 m in front of the parking area (Variance #3).
- The proposed 4.25 m is not adequate to provide a transition space between the public and private realm.
- No landscaping is planned within the ROW directly abutting the subject proposed lands based on the improvements to Barton Street. municipal Instead. the sidewalk coupled with pedestrian-scale lighting will directly abut the subject site, with landscaping proposed between the sidewalk and the driving lanes.
- The variance does not allow for adequate transition space to maintain the intent of the By-law to ensure adequate space is provided for access, landscaping and parking.

2	A maximum building height of 13.0 metres shall be permitted, instead of the maximum permitted building height of 11.0 metres.	 When an M3-Zoned property does not abut a residential zone, there is no maximum height requirement. When abutting a residential zone, an 11.0 m maximum height and a minimum 6 m yard setback are required. The maximum height may be equivalently increased as the yard increases beyond the minimum setback. The proposed minimum building setback of 57.0 m abuts the residential zone. Staff supports the variance to permit a 2 m increase in maximum building height to 13.0 m as the increased height will have negligible visual impact on the abutting residential zone since a 57.0 m minimum building setback from the residential zone is proposed.
3	A minimum 1.2 metre landscaped area shall be provided where the parking area for more than four vehicles abuts a street, instead of the minimum 6.0-metre-wide landscaped area required.	 A 6 m wide landscaped area is required abutting the street line to improve the aesthetics, and when parking abuts the street, a 3 m wide planting strip is required within the landscaped area to screen the view of parking. Staff could support a reduction in the width of the planting strip for the single-loaded parking area with 11
4	A minimum 1.2-metre-wide planting strip shall be provided within the landscaped area, instead of the minimum 3.0-metre-wide planting strip required.	parking spaces should the proposed landscaped area width be increased to improve the aesthetics from the street. • However, the proposed 1.2 m wide planting strip within a 1.2 m wide landscaped area abutting the parking area does not maintain the intent of the Zoning By-law.

5	A visual barrier shall be permitted to extend along a portion of the eastern lot line(s) of the abutting residential lots to the west, instead of the requirement that a visual barrier shall be provided along the entire extent of the eastern lot line(s) of the abutting residential lots to the west.	 The purpose of a visual barrier is to minimize the visual impact on the sensitive land use by screening the activities of the industrial use from the abutting residential lots. The proposal to provide a visual barrier along a portion of the eastern lot line will minimize visual impact on only a portion of the residential lots. This would not maintain the intent of the Zoning By-law.
6	Parking spaces and aisles giving direct access to abutting parking spaces shall be permitted to be located 1.25 metres from the street line, instead of the requirement that parking spaces and aisles giving direct access to abutting parking spaces, shall not be located within 3.0 metres of a street line.	 This parking area setback generally applies to parking areas in all zones. A setback of 6 m is required within the M3 Zone due to the required 6 m wide landscaped area inclusive of a 3 m wide planting strip required abutting parking spaces and aisles. The proposed setback does not provide enough transition space between the drive aisle and the proposed municipal sidewalk, nor an adequate width for a landscaped area and planting strip (see Variances #3 and #4). The variance does not maintain the intent of the By-law.

7	Landina Control	The intent of these provisions is to
8	Loading facilities shall be permitted along the west elevation of the building, and face the eastern lot line of the abutting residential properties to the west, instead of the requirement that a loading space shall not be permitted on any west of elevation of the building that faces the eastern lot line of the abutting residential properties to the west, except where separated by another building. A maximum loading space length of 23.0 metres shall be permitted, instead of the maximum permitted loading space length of 10.0 metres, where located within 40.0 metres of the eastern lot line of the abutting residential properties to the west.	 Intention these provisions is to limit the impact of noise on the abutting residential lots by limiting the location and length of loading spaces on the lot. 41 loading spaces with a maximum length of 23.0 m are proposed along the west elevation. The increase in loading space length to 23.0 m is intended to accommodate larger trucks that requires greater manoeuvring space, when compared to a 10m-long-truck. The conditionally approved site plan proposed 19 loading spaces along the west elevation. The loading spaces were located within the building, and had a maximum length of 11.60 m. Due to the nature and number of the proposed loading spaces, the variances are not supportable as they do not maintain the intent of the Zoning By-law to minimize the noise impacts of loading areas on the abutting residential lands.
9	A noise attenuation wall shall be permitted that is not attached to the wall of the building, instead of the requirement that a loading space located within 40.0 metres of the eastern lot line of the abutting residential properties to the west, shall be screed by a noise attenuation wall attached to the building.	 Noise barriers are most effective when located close to the source. The loading spaces are perpendicular to the residential properties, and this orientation does not allow for the noise attenuation wall that screens the residential properties to be effective. The proposal to locate the noise wall ±29 m away from the 41 loading spaces along the west façade of the building would result in ineffective noise attenuation measures and therefore does not maintain the intent of the Zoning By-law.

11	Eighty-four (84) parking spaces shall be permitted, instead of the minimum required four-hundred and thirteen (413) parking spaces.	 An industrial site with 4 or more units and shared on-site parking (Planned Business Centre) requires parking at a rate of 1 per 50 sq. m. Rather than applying the use-specific parking ratio to each unit, the above provision provides flexibility and certainty of adequate parking and zoning conformity for any permitted uses that occupy the units now or in future. Although the property is located on a transit route, the proposed reduction in parking requirement for the 20,636 sq. m building by 329 parking spaces (a reduction of ±80%) does not maintain the intent of the By-law to ensure adequate on-site parking is provided.
10	Three (3) barrier free parking space shall be permitted, instead of the minimum required ten (10) barrier free parking spaces.	 Although the property is located on a transit route, the proposed reduction in barrier-free parking requirement by 7 barrier-free parking spaces (a reduction of ±70%) does not maintain the intent of the By-law to ensure adequate on-site barrier-free parking is provided.
12	Access to the proposed parking and loading area shall be provided on an adjacent property, instead of the requirement that required parking facilities shall be located on the same lot as the use requiring the parking.	 In the M3 and M3, 440 Zones, there are requirements intended to minimize the impact of development on sensitive land uses and on the public realm. In the R1 Zone, there are no such requirements. There is no visual barrier, no noise barrier, and no landscaping nor

13	To permit an access
	driveway for the
	proposed industrial use
	(i.e. a Planned Business
	Centre) contained within
	the "M3 and M3, E440"
	zones to be provided on
	a lot zoned "R1"
	notwithstanding
	industrial uses are not
	permitted within the "R1"
	zone.

- plantings other than sod proposed between the northerly lot line of the abutting residential lot and the truck access proposed to serve the 41 loading spaces from McNeilly Road.
- No landscaping or plantings are proposed to flank the access to improve the aesthetics from the public realm.
- The variance is not supportable as it does not maintain the intent of the Zoning By-law.

<u>Analysis</u>

Variances 5, 7, 8, 9, 12 and 13 would heighten the impact of the industrial activity on the abutting sensitive land uses to the west, as summarized above. Variances 1, 3, 4, and 6 would not allow for adequate space to be provided for access, landscaping and parking to maintain and enhance the streetscape, as summarized above. Although smaller reduction in required parking could be supportable, the scale of variances 10 and 11 do not result in sufficient on-site parking for the proposed development. Variance 2, with the proposed maximum height of 13.0 m for the building located 57.0 m from the residential zone, is supportable.

The proposed development is a significant departure from what was originally proposed and conditionally approved through Site Plan Control application DA-18-154. In that application only one variance was required to facilitate DA-18-154, In approving the Site Plan, the effects of the proposed industrial development on the abutting sensitive land uses to the west was taken into consideration.

Recommendation:

Staff is not satisfied that **Variances 1 and Variances 3 to 13** maintain the purpose and intent of the Zoning By-law. In the opinion of staff, Variances 1 and Variances 3 to 13 are not desirable for the appropriate development of the land, nor minor in nature. Staff recommends that Variances 1 and Variances 3 to 12, as outlined in the Notice of Hearing, and Variance 13 added by Building Division – Zoning Section staff, be **denied**;

Staff recommends that **Variance 2** be **approved**, as it meets the intent of the Zoning By-Law; is appropriate and minor in nature; and,

Should the Committee approve Variances 7, 8, 9, 12, or 13, staff recommends the following condition be imposed:

CONDITION: (If Approved)

1. That the owner shall investigate the noise levels on the subject lands and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.

Building Division:

1. Please note that the variance(s) shall be revised to add the following:

"To permit an access driveway for the proposed industrial use (i.e. a Planned Business Centre) contained within the "M3 and M3, E440" zones to be provided on a lot zoned "R1" notwithstanding industrial uses are not permitted within the "R1" zone".

- 2. Please note an additional site plan was submitted on July 9th, 2021, by Urban Solutions, Planning and Land Development, titled "Minor Variance Sketch" that indicated that a visual barrier has been provided along the entire extent of the eastern lot line of the abutting residential lots to the west. Therefore, the variances should be altered to delete Variance No. 5, and the request that a visual barrier shall be permitted to extend along a portion of the eastern lot line of the abutting residential lots to the west, instead of the requirement that a visual barrier shall be provided along the entire extent of the eastern lot line(s) of the abutting residential lots to the west.
- 3. Please note that should the variance requested to Section 5.5(c) of Hamilton Zoning By-law No. 05-200, to permit eighty-four (84) parking spaces, be approved, the three (3) barrier free parking spaces proposed as part of the subject application would comply with Section 5.5(a). Therefore, the applicant has requested that the variances be altered to delete Variance No. 10, and the request that three (3) barrier free parking space shall be permitted, instead of the minimum required ten (10) barrier free parking spaces.
- 4. Please note that specific details have not been provided to determine if the proposed "Staging Area", as identified on the submitted site plan, is deemed to be Outdoor Storage or Outdoor Assembly. Additional variances may be required if compliance with Section 9.3.3(k) cannot be achieved.
- 5. Please note that the specific proposed use for the individual industrial units has not been provided to determine zoning compliance. The proposed development is

- considered a Planned Business Centre and has been reviewed as such. Should the intent of the proposed development be not to function as a Planned Business Centre, additional variances may be required.
- 6. A temporary access driveway to McNeilly Road is proposed to be provided on an adjacent property to the west, municipally known as 346 McNeilly Road. Appropriate approvals will be required to permit vehicular access across the adjacent property located within a Residential Zone which does not permit industrial uses. Additionally, legally established rights of ways shall be required to be registered on title for both properties.
- 7. A portion of this property is subject to Conservation Management. Please contact the Hamilton Conservation Authority prior to any development.
- 8. The proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types

Development Engineering:

No comments on the Minor Variance as proposed. All engineering related comments shall be provided under Site Plan Application DA-18-154.

See attached for additional comments.



July 15, 2021

City of Hamilton
Planning and Economic Development Department
71 Main St W
Hamilton, Ontario
L8P 4Y5

Attention: Samantha Costa

File# SC/A:21-225

Re: 1047-1049 Barton St

In response to your correspondence dated July 7, 2021, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required.
 It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

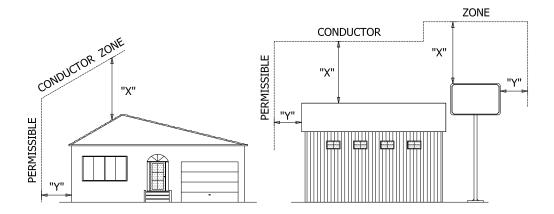
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities respresentative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski Supervisor, Design, Customer Capital



- UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.

SYSTEM VOLTAGE	MINIMUM HORIZONTAL CLEARANCE DIMENSION "Y"	MINIMUM VERTICAL CLEARANCE DIMENSION "X"
0 - 750 V*	2.0 m (SEE NOTE 1)	4.5 m (SEE NOTE 3)
OVER 750 - 50000 V	4.0 m (SEE NOTE 2)	7.0 m (SEE NOTE 4)

^{* -} INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

- 1. THIS CLEARANCE IS MADE UP OF A 1.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING. WHERE CONDUCTOR PASS IN FRONT OF A WINDOW OR OTHER OPENING, THIS 2.0 m CLEARANCE SHOULD BE INCREASED TO 2.5 m. WHERE BUILDINGS EXCEED 3 STOREYS OR 15.0 m IN HEIGHT, THE 2.0 m CLEARANCE SHOULD BE INCREASED TO 3.0 m TO ALLOW FOR RAISING OF LADDERS BY THE LOCAL FIRE DEPARTMENT.
- 2. THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING,
- THIS DIMENSION PROVIDES 1.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 1.5 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m)
- 4. THIS DIMENSION PROVIDES 3.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 2.0 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m).
- 5. THE ABOVE CLEARANCES ARE MINIMUM VALUES. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES ABOVE THOSE SHOWN, WHERE POSSIBLE. TO KEEP WORKMEN AND THEIR EQUIPMENT ON THE BUILDING ETC., AT THE MINIMUM CLEARANCE SHOWN, DIMENSION "X" AND "Y" ARE TO BE INCREASED BY THE REQUIRED WORKING DISTANCE.

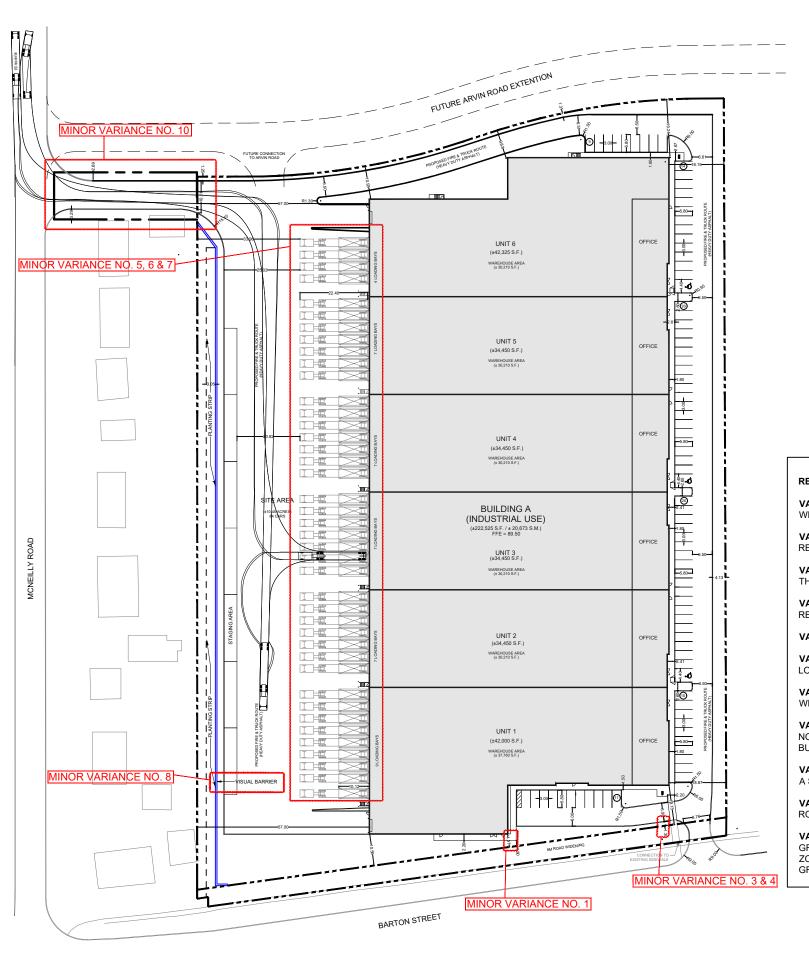
hori	izen
UTILITIES	Looking beyond.

DRAWING STATUS	BY	DATE DD/MM/YY	
REDRAWN:	MC	12/06/07	
CHECKED:	ND	26/04/05	
APPROVED:	CR	26/04/05	

MINIMUM CONDUCTOR CLEARANCES FROM
BUILDINGS, PERMANENT STRUCTURES OR
BUILDING APPARATUS

(EXCLUDES SECONDARY S	SERVICES ATTACHED	TO BUILDINGS)

REFERENCE DRAWINGS:		/INGS) SCALE
3-105	SHEET#	REVISION#
3	-	•



	VELOPMENT STATISTICS	_		
Item	Zone: Prestige Business Park (M3, 440) Zone			
Units	Required N/A	Proposed 6 units		
	<u> </u>			
Min. Lot Area	4,000.00 m ²	41, 223.53 m ²		
Min. Lot Frontage	N/A	131.41 metres		
	Min. 6.0 metres	Min. 4.37 metres		
	Max. 27.0 metres	(MVR)		
Yard Abutting a Street		Max. 19.24 metres		
Min. Yard Abutting a				
Residential or	6.0 metres	57.00 metres		
Insitiutional Zone				
Max. Building Height	11.0 metres	12.78 metres (MVR)		
Min. Landscapred Area	6.0 metres	1.25 metres (MVR)		
Min. Planting Strip	3.0 metres	1.25 metres (MVR)		
Max. Office GFA	3,000 m ²	2,323.31 m ²		
	2.8 metres by 5.8	3.0 metres by 5.8		
Min. Parking Dims.	metres	metres		
Min. Barrier Free	4.4 metres by 5.8	4.4 metres by 5.8		
Parking Dims.	metres	metres		
	Not Abutting	Abutting		
Loading Parking	Residential Zone	Residential Zone		
Location	Residential Zone	(MVR)		
	2+2% of required			
Min. Barrier Free	spaces	3 spaces		
Parking	= 10 spaces			
Min. Parking (Planned				
Business Center within	1/50 m2 of GFA	PA spaces (M//D)		
an Industrial Zone	=413 spaces	84 spaces (MVR)		
except M4 Zone)				
Total Parking	413 spaces	84 spaces		
Bicycle Parking	N/A	16 short term spaces		

REQUIRED MINOR VARIANCES

VARIANCE NO. 1: TO PERMIT A MINIMUM YARD ABUTTING A STREET TO BE 4.25 METRES WHEREAS THE REQUIRED MINIMUM IS 6.0 METRES

VARIANCE NO. 2: TO PERMIT A MAXIMUM BUILDING HEIGHT OF 13.0 METRES WHEREAS THE REQUIRED MAXIMUM IS 11.0 METRES.

VARIANCE NO. 3: TO PERMIT A MINIMUM LANDSCAPED AREA STRIP OF 1.2 METRES WHEREAS THE REQUIRED MINIMUM LANDSCAPED STRIP IS 6.0 METRES.

VARIANCE NO. 4: TO PERMIT A MINIMUM PLANTING STRIP OF 1.2 METRES WHEREAS THE REQUIRED MINIMUM IS 3.0 METRES.

VARIANCE NO. 5: TO PERMIT LOADING PARKING ABUTTING A RESIDENTIAL ZONE.

VARIANCE NO. 6: TO PERMIT LOADING SPACES ON THE WEST ELEVATION FACING THE EASTERN LOT LINE OF 1023 BARTON STREET, 320 ,324, 328, 332, 336, 340 AND 344 MCNEILLY ROAD.

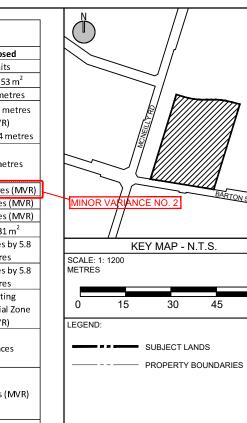
VARIANCE NO. 7: TO PERMIT A MAXIMUM LOADING SPACE PARKING LENGTH TO BE 23 METRES WHEREAS 10 METRES IS THE REQUIRED MAXIMUM.

VARIANCE NO. 8: TO PERMIT A NOISE ATTENUATION WALL TO SCREEN THE LOADING SPACES NOT ATTACHED TO THE BUILDING WHEREAS THE WALL IS REQUIRED TO BE ATTACHED TO THE BUILDING.

VARIANCE NO. 9: TO PERMIT PARKING SPACES AND DRIVE AISLES A MINIMUM 1.25 METRES FROM A STREET LINE WHEREAS THE REQUIRED MINIMUM IS 3.0 METRES.

VARIANCE NO. 10: TO PERMIT VEHICULAR ACCESS ACROSS ADJACENT PROPERTY (346 MCNEILY ROAD) LOCATED WITHIN A RESIDENTIAL ZONE WHICH DOES NOT PERMIT INDUSTRIAL USES.

VARIANCE NO. 11: TO PERMIT A PARKING RATIO OF 1 SPACE PER 250 SQUARED METRES OF GROSS FLOOR AREA FOR A PLANNED BUSINESS CENTER IN AN INDUSTRIAL ZONE EXCEPT M4 ZONE WHEREAS THE REQUIRED PARKING RATIO IS 1 SPACE PER 50 SQUARED METRES OF GROSS FLOOR AREA.



NOT FOR CONSTRUCTION ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:

ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTE TO FEET BY DIVIDING BY 0.3048

DESIGN BY: L. DRENNAN

CHECKED BY: M. JOHNSTON

DRAWN BY: L. DRENNAN

DATE: MAY 18, 2021



3 STUDEBAKER PLACE, UNIT 1 HAMILTON, ON L8L 0C8 905-546-1087 - urbansolutions.info

PROJECT:

1047 - 1048 Barton Street CITY OF HAMILTON

CLIENT:

34 West Avenue North (Hamilton) Inc.

TITLE:

MINOR VARIANCE SKETCH

U/S FILE NUMBER: SHEET NUMBER: 228-18

Hansra, Aman

From: Rachel Smith <rjsmith88@hotmail.com>

Sent: July 14, 2021 8:22 AM **To:** Committee of Adjustment

Subject: Response to Public Hearing re: Application # SC/A-21-225

Re: Application for minor variances to proposed property at 1047-1049 Barton Street (application # SC/A-21:225).

To whom it may concern,

As a residential property owner on McNeilly Road abutting this new development I am strongly opposed to many of the variances requested by the application. Below I have outlined the most concerning variance requests.

Variance #2: To permit a maximum height of 13.0 m whereas the required maximum height is 11m. Increasing the height of this building would impede on the abutting residential properties, lowering quality or life and property values. As noted in the development on the opposite side of Barton Street known as 1036-1090 Barton Street-Branthaven Winona Hills development, taller buildings impacts air flow to fruit crops and does not fit with the 'Winona' landscape. In the aforementioned development the height of the townhomes was ultimately decreased.

Variance # 3, Planting Strip: Required is 3 meters and proposed is a mere 1.25 m. Decreasing easement between new development and residential properties will cause increase noise pollution for abutting residential properties (compounded by the request to also permit the loading zone on that side) is a gross disregard for the residential properties on McNeilly (West side of development). These standards exist to decrease impact of such commercial properties on LONG STANDING residential dwellings. Allowing amendments like this sets a precedent that existing residential dwellings are not valued and protected from new developments wishing to take advantage of existing M3 construction standards. Currently the easement behind the residential homes on McNeilly contains mature trees that is habitat for wildlife including threatened species such as the meadowlark. Destroying the strip of current mature habitat as well as developing the current grasslands the lot is presently is even more consequential to the area.

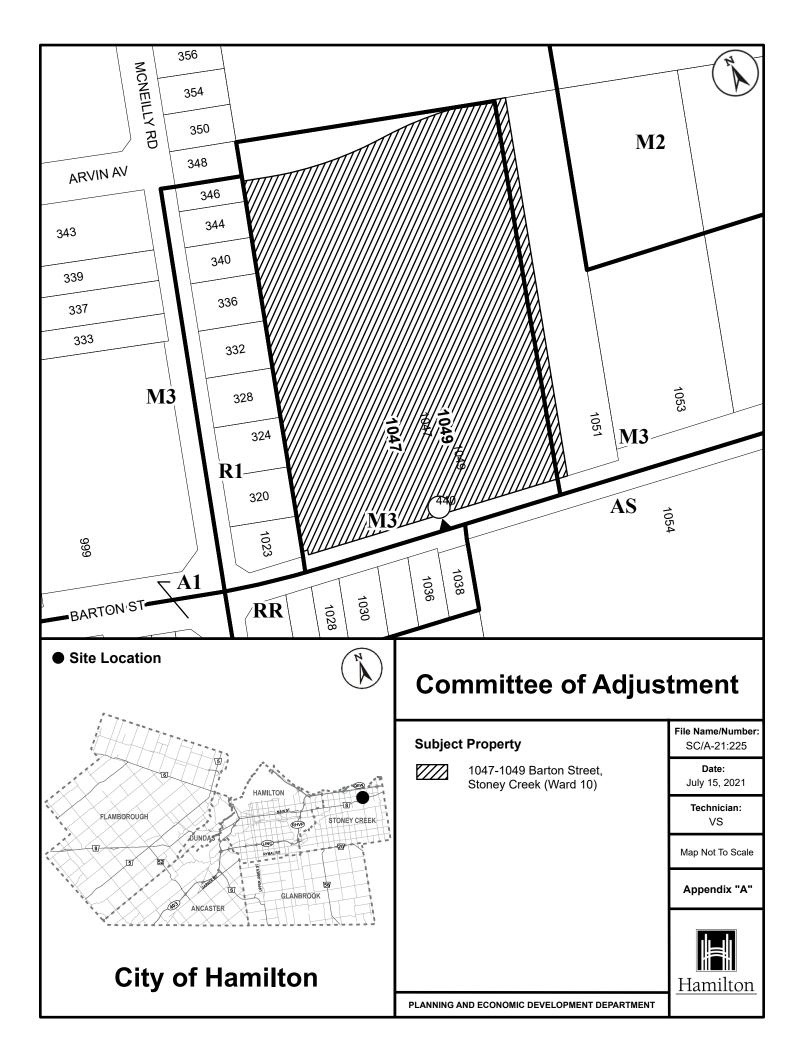
Minor variance number #5: To permit loading/parking abutting a residential zone: Allowing such amendments is a complete disregard to the residential properties on the West of this development (McNeilly Road). The property on East side of lot is an existing trucking company that already has existing truck traffic/noise/ pollutants and the rear is void of residential properties. Requesting permission to allow loading on the only side of the building that is deemed residential shows a concerning lack of respect for existing land usage by the applicant.

Variance # 10: To permit vehicular access across adjacent property (346 McNeilly Rd.) located within a residential zone which does not permit industrial uses. This traffic would undoubtedly be truck traffic using McNeilly Road for access. Truck traffic has increased greatly on McNeilly Rd. since Arvin Ave. extended to McNeilly. McNeilly is not a truck route but is now used as one. McNeilly Road does not have sidewalks on either side and increased vehicular/truck traffic causes great hazard to pedestrians walking on the road as well as increased noise, dust and air pollutants. If/when the Arvin ave. extension is completed through to Lewis and where signage prohibits trucks on McNeilly access to the lot would be possible without impacting the residential area on McNeilly.

In closing I would like to say that it is very disappointing that the applicant has made so many requests that impact negatively in the residents on McNeilly Road. Residents on these mature properties should be supported and protected by the City of Hamilton. Allowing variances only compromises the very reason that standards in residential areas exist in the first place.

Respectfully,

Rachel Smith McNeilly Road resident



HM/A-21:221 – 44 Hughson St. S., Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

HM/A-21:221 – 44 Hughson St. S., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Urban</u>

The purpose of this application is to permit the construction of a thirty-four storey (111.0 metre) mixed use building containing a 635 unit multiple dwelling and 1290.0 square metres of commercial space notwithstanding the variances below.

The proposal was processed and reviewed through Site Plan Control Application DA-19-174 which was conditionally approved on April 16, 2020. The conditionally approved site plan contemplated a 91.4 metre (30 storey) building and included a special condition for one variance to allow a reduced setback to the alleyway for any portion of the building that is greater than 44 metres in height, notwithstanding the 9.5 metre requirement.

Staff note that the current Minor Variance Application is for 12 variances which have not been reviewed comprehensively by staff departments.

Urban Hamilton Official Plan

The subject site is identified as Downtown Urban Growth Centre within Schedule E and designated Mixed-Use Area within Schedule E-1 within the Urban Hamilton Official Plan (UHOP). Policies E.4.4.4, E.4.4.7, E.4.4.9, and E.4.4.11, amongst others, are applicable and permit a mixed use building. Urban Design policies B.3.3.3.1, B.3.3.3.2, B.3.3.3.3, B.3.3.3.4, and B.3.3.3.5, among others, are applicable and require the proposal to be properly massed, designed to minimize impacts on neighbouring buildings, and to provide a comfortable pedestrian environment by including ample glazing on ground floors, amongst other polices.

Downtown Hamilton Secondary Plan

The subject site is designated as Downtown Mixed Use in the Downtown Hamilton Secondary Plan and the western portion is identified as Pedestrian Focused within Map B.6.1-1 of the Secondary Plan. The eastern portion of the subject site is further identified as High-rise 1 while the western portion of the subject site is identified as Hight-rise 2 on Map B.6.1-2 of the Secondary Plan. Policies B.6.1.4.18, B.6.1.4.19, B.6.1.4.21, B.6.1.4.23, B.6.1.4.27, B.6.1.4.30, and B.6.1.6.2, among others are applicable and permit a mixed use building.

Staff note that the subject site is subject to an Ontario Land Tribunal (OLT) appeal (Case No. PL180548), which through the Minutes of Settlement, stated that the proposal cannot exceed 94.2 metres in height. Staff are of the opinion that the proposal does not maintain the general intent of the Official Plan as the applicant is seeking an increase in height not

permitted within the Official Plan policy subject to the subject site. Furthermore, the applicant is requesting variances to modify the exterior façade of the building which has not been approved through the Conditional Approval. Staff are of the opinion that modifications to the exterior of the building should be reviewed comprehensively to allow for Urban Design staff, among others, to provide feedback.

In conclusion, staff are of the opinion that the general intent of the Official Plan is **not being maintained** and that an Official Plan Amendment application be submitted if the applicant seeks to increase the height of the proposal.

Cultural Heritage

The subject property comprises a two-storey red brick building constructed in 1890 (former Bell Telephone Company Building) and is included in the City's Register of Property of Cultural Heritage Value or Interest as a non-designated property. The property is additionally located within the Corktown Established Historic Neighbourhood.

The property is located adjacent to the following properties included in the City's Register of Property of Cultural Heritage Value or Interest:

- 6 Main Street East, Hamilton (Hamilton Club),
- 8 Main Street East, Hamilton (Bell Telephone Exchange Building), and,
- 50 Main Street East, Hamilton (Hamilton Court House and Prince's Square)

Additionally, the subject property is adjacent to the following properties included on the City's Inventory of Buildings of Architectural and/or Historical Interest.

79 James Street, Hamilton (YMCA).

As part of the submission requirements for DA-19-174, cultural heritage staff required the submission of the reports and plans noted below.

That the applicant submit and implement a Cultural Heritage Impact Assessment (CHIA) to the satisfaction and approval of the Manager of Development Planning, Heritage and Design prior to any site plan approval.

- Any recommendations for alternatives or mitigative measures coming out of the Cultural Heritage Impact Assessment shall be included as conditions of future development applications.
- The applicant provide a Construction Management Plan prepared by a qualified Professional Engineer which addresses the mitigation of potential construction and vibration impacts to the adjacent and on-site cultural heritage resources (64 James Street South, 98 James Street South and 44 Hughson Street South), including periodic monitoring of the buildings throughout construction, to be prepared at the

cost of the owner and submitted to the satisfaction and approval of the Director of Planner and Chief Planner. Should a peer review of the Construction Management Plan be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.

Submission of the required documents has been received as part of a resubmission package for DA-19-174 and is currently being circulated for review. Staff deem the current variances premature until the resubmission of DA-19-174 can be evaluated against the recommendations in the CHIA.

Archaeology

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) In areas of pioneer EuroCanadian settlement; and,
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this file is approved, Staff require that an acknowledgement be added to the Decision as follows:

"Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the

proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

Hamilton Zoning By-law 05-200

The subject site is zoned Downtown Central Business (D1, H17, H19, H20) Zone and Downtown Prime Retail Streets (D2, H17, H19, and H20) Zone, which permits a mixed-use residential building. Figure 1 of Schedule F – Special Figures was revised through the OLT appeal to allow for 94.2 metres of height on the portion of the property fronting onto James Street South and 71 metres of height on the portion of the property fronting onto Hughson Street South. The proposed development exceeds the approved height established by the OLT.

Additionally, the lands are subject to Holding provision 17 which requires that the applicant demonstrate that the proposed building meets the intent of the Downtown Hamilton Secondary Plan through the submission of a Visual Impact Study, Pedestrian Wind Level Study, Shadow Impact Study, Transportation Impact Study and Functional Servicing Report. To date a Visual Impact Study has been submitted but has not been reviewed by staff. The studies could have impacts on the built form resulting in further modifications that have not been considered through the Site Plan Control application process.

Variance 1-12

Staff are of the opinion that the variances to alter the conditionally approved Site Plan Control application DA-19-174 do not maintain the general intent of the Official Plan as they facilitate a development that does not meet the purpose and intent of the policies of the Downtown Hamilton Secondary Plan or the purpose and intent of Zoning By-law 05-200. Staff are of the opinion that the variances are currently not desirable for the development nor minor in nature as a full comprehensive review has not been able to be provided by staff departments. Staff are of the opinion that the an Official Plan Amendment and Zoning By-law Amendment is required to consider the proposed modifications to the OLT decision.

Recommendation:

Based on the preceding information, the variances do not maintain the general intent and purpose of the Urban Hamilton Official Plan and former City of Hamilton Zoning By-law No. 05-200. The variances are also considered not to be minor in nature nor desirable for the appropriate use of the property.

In conclusion, Staff recommends that the application be denied.

Building Division:

1. Variance #5 shall be revised by replacing "111.0m" with "108.0m" and should now read as follows:

"A maximum building height of 108.0m shall be provided for the portion of the building located within the D2 zone, instead of the maximum permitted building height of 94.2m"

2. Variance #8 shall be revised and should now read as follows:

"The exterior building cladding at the first three storeys of a building within a Heritage Character zone may be comprised of a combination of not more than three (3) of the following materials: Brick, concrete panels, stone, stucco or metal/metal panels whereas the By-law permits a combination of not more than two (2) cladding materials."

3. Variance #10 shall be revised and should now read as follows:

"Where a parking space is provided within parking structure and is abutting a wall or column, the width of the parking space shall not be required to provide an additional width of 0.3m whereas the by-law requires parking spaces within an above grade or underground parking structure to provide an increased width of 0.3m (3.1m) when abutting a wall or column"

4. An additional variance shall be included to this notice which shall read as follows:

"A minimum setback of 0.5m shall be provided from a daylight triangle instead of the minimum 2.0m setback required from a street line."

- 5. Variance #9, #11 and #12 shall be removed entirely.
- 6. These variances are necessary to facilitate Site Plan Control Application DA-19-174.
- 7. Please be advised that this development is situated across zone separate zoning designations. The westerly portion known as 75 James Street South is subject to the requirements of the 'D2' zone, with the easterly portion known as 44 Hughson Street South being subject to the requirements of the 'D1' zone.
- 8. A building permit is required in the normal manner for the construction of the proposed development.

Development Engineering:

No comments.

See attached for additional comments.

Hansra, Aman

From: CP Proximity-Ontario <CP_Proximity-Ontario@cpr.ca>

Sent: July 7, 2021 1:52 PM **To:** Committee of Adjustment

Subject: RE: Application HM/A-21:221; 44 Hughson St. S., Hamilton

Good Afternoon,

RE: Application HM/A-21:221; 44 Hughson St. S., Hamilton, within 500m CP Rail line

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company.

CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. Those guidelines are found at the following website address:

http://www.proximityissues.ca/

The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change.

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

Thank you,

CP Proximity Ontario



CP Proximity Ontario
CP_Proximity-Ontario@cpr.ca
7550 Ogden Dale Road SE, Building 1
Calgary AB T2C 4X9

From: Committee of Adjustment <CofA@hamilton.ca>

Sent: July 7, 2021 7:45 AM

To: Costa, Samantha <Samantha.Costa@hamilton.ca> **Subject:** July 22nd 2021 COA Agenda Available!

This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

Good Morning,

Attached is a copy of the Agenda for the <u>July 22nd 2021</u> hearing date, please follow the link below for a copy of the package.

** Please be advised final comments are due by noon, July 16th, if not received, you will be required to attend the virtual hearing, late comments will not be accepted.

Please send comments to: cofa@hamilton.ca

If you would like to "attend" the virtual hearing, you must register by noon the day before the hearing; cofa@hamilton.ca

The full package with the Public Notices, all sketches and the application forms are available at the following location:

https://www.hamilton.ca/council-committee/council-committee-meetings/committee-adjustment

Please note the decisions will also be posted via the link above on: July 29th

This is the material that is sent to the area residents and is available to everyone; you can forward this information to anyone. You can also direct all inquiries to the Committee of Adjustment office; cofa@hamilton.ca

NOTE: Any written comments from City Departments or agencies are solicited and should be prepared in a timely fashion and received in the office of the Committee of Adjustment, Attn: Jamila Sheffield no later than FOUR working days in advance of the scheduled hearing. Comments received after this date may not be provided to the Committee of Adjustment in the comment package. If you are unable to meet this time frame you should be prepared to attend the hearing to provide your comments or concerns.

Please Note that if your Department or Division has a concern or condition that is important, you should plan on attending. This will enable you to answer questions as to why the concern or condition is required and defend your

position. The Committee of Adjustment is unable to and will not justify or defend your concern or condition as that is your responsibility.

Thank you,

Samantha Costa

Development Clerk - Committee of Adjustment Planning and Economic Development City Hall – 5th Floor 905-546-2424 ext. 4221 samantha.costa@hamilton.ca



The City of Hamilton encourages physical distancing, wearing a mask in an enclosed public space, and increased handwashing. Learn more about the City's response to COVID-19 www.hamilton.ca/coronavirus.

This message, including any attachments, is privileged and intended only for the stated recipient. This material may contain confidential or personal information and may be subject to the privacy provision of the Municipal Freedom of Information and Protection of Privacy Act. This material must not be distributed, copied, disclosed to anyone else or used for any unauthorized purpose. If you are not the intended recipient or have received this message in error, please notify me immediately and delete the original transmission permanently, including any attachments, without making a copy.



July 15, 2021

City of Hamilton Planning and Economic Development Department 71 Main St W Hamilton, Ontario L8P 4Y5

Attention: Samantha Costa

File# HM/A:21-221

Re: 44 Hughson St S

In response to your correspondence dated July 7, 2021, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Minimum 4m horizontal clearance from existing O/H line(s) must be maintained at all times as per Alectra Utilities Standard 3-105. Please consult with Alectra Utilities if further clarification is required.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- Developers to provide a grade level transformer and switching room/vault as per standard 19U-416. This standard is for REFERENCE PURPOSES ONLY and cannot be utilized for construction purposes. Alectra Standards Department is to be consulted on actual standard required for specific development application.
- Transformer vault access and location are to be approved by a Alectra Utilities representative.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required.

It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.

We would also like to stipulate the following:

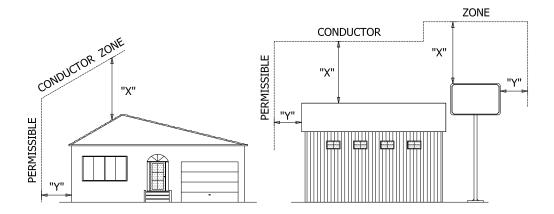
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities respresentative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski Supervisor, Design, Customer Capital



- UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.

SYSTEM VOLTAGE	MINIMUM HORIZONTAL CLEARANCE DIMENSION "Y"	MINIMUM VERTICAL CLEARANCE DIMENSION "X"
0 - 750 V*	2.0 m (SEE NOTE 1)	4.5 m (SEE NOTE 3)
OVER 750 - 50000 V	4.0 m (SEE NOTE 2)	7.0 m (SEE NOTE 4)

^{* -} INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

- 1. THIS CLEARANCE IS MADE UP OF A 1.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING. WHERE CONDUCTOR PASS IN FRONT OF A WINDOW OR OTHER OPENING, THIS 2.0 m CLEARANCE SHOULD BE INCREASED TO 2.5 m. WHERE BUILDINGS EXCEED 3 STOREYS OR 15.0 m IN HEIGHT, THE 2.0 m CLEARANCE SHOULD BE INCREASED TO 3.0 m TO ALLOW FOR RAISING OF LADDERS BY THE LOCAL FIRE DEPARTMENT.
- 2. THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING,
- THIS DIMENSION PROVIDES 1.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 1.5 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m)
- 4. THIS DIMENSION PROVIDES 3.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 2.0 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m).
- 5. THE ABOVE CLEARANCES ARE MINIMUM VALUES. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES ABOVE THOSE SHOWN, WHERE POSSIBLE. TO KEEP WORKMEN AND THEIR EQUIPMENT ON THE BUILDING ETC., AT THE MINIMUM CLEARANCE SHOWN, DIMENSION "X" AND "Y" ARE TO BE INCREASED BY THE REQUIRED WORKING DISTANCE.

hori	izen
UTILITIES	Looking beyond.

DRAWING STATUS	BY	DATE DD/MM/YY	
REDRAWN:	MC	12/06/07	
CHECKED:	ND	26/04/05	
APPROVED:	CR	26/04/05	

MINIMUM CONDUCTOR CLEARANCES FROM
BUILDINGS, PERMANENT STRUCTURES OR
BUILDING APPARATUS

(EXCLUDES SECONDARY S	SERVICES ATTACHED	TO BUILDINGS)

REFERENCE DRAWINGS:		/INGS) SCALE
DRAWING #	SHEET#	REVISION#
3-105	1	0

ENERSOURCE

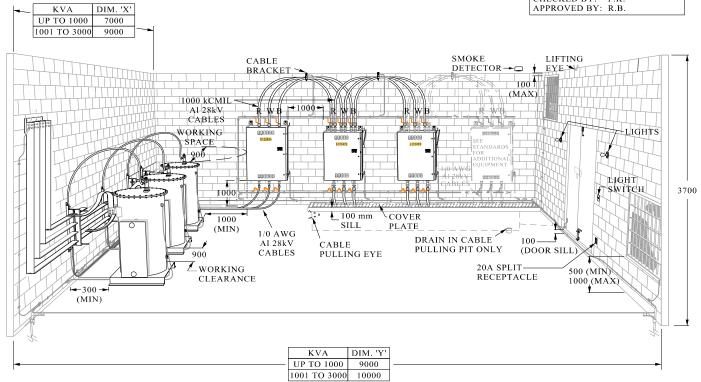
19U-416 R2 (NOV 2015)

REVISION #2:

NOTE 1 REMOVED.WAS DUPLEX

RECEPTACLE.

CHECKED BY: P.K.



NOTE:

TYPICAL LAYOUT FOR TRANSFORMER VAULT ROOM SHOWN. FINAL DESIGN DRAWINGS ARE SUBJECT TO APPROVAL BY LDC.

DRAWINGS:

19U-401 - VENTILATION

19U-403 - DOOR

19U-408 - COPPER BUS BAR

19U-409 - FLEXIBLE BRAID CONNECTOR

19U-417 - ENCLOSURES AND 3-WAY JUNCTION INSTALLATION

19U-554 - STANDARD FUSING SCHEDULE

37-402 - NOMENCLATURES FOR UNDERGROUND EQUIPMENT

41U-102 - TRANSFORMER VAULT GROUNDING

_			
	BILL OF MATERIALS (REF. STORES & MATERIAL CATALOGUE)		
ŀ	PART No.	QTY	DESCRIPTION
ŀ	17XXX	3	TRANSFORMER
t	11526	2	CABLE BRACKET
	14223	2	SWITCH, METAL ENCLOSED, 28KV, 600 A, LOAD INTERRUPTER
	14229	1	FUSE, METAL ENCLOSED, 28KV, 200 A, c/w END FITTINGS & SILENCERS
	33394	3	CONNECTOR, LUG, 1/0 AWG, 1 HOLE
	33468	18	CONNECTOR, LUG, AI, 1000 kCMIL, 2 HOLE
Ī	33901	3	ELBOW- FOR 1/0 AWG 28 KV CABLES
	33948	3	BUSHING INSERT
	33950	18	TERMINATION KIT, 1000 kCMIL, 28 kV CABLE
1	33996	3	TERMINATION KIT, 1/0 AWG CABLE
Ī	99080	16	ANCHOR SLEEVE, 1/2" x 4"
Ī	99396	1	LABEL, DANGER SIGN
	STD.37-400	6	TAG ID, PRIMARY CABLE

XXX - SIZE (kVA) TO SUIT

ORIGINAL:

CHECKED BY: A.H APPROVED BY: R.B. TYPICAL BUILDING LAYOUT FOR

DATE: Mar-2013

TRANSFORMER BUILDING & SWITCHING VAULT (LOOP FEED - 600A FEEDERS)

JDE KITS: REFER TO STANDARD

19U-7



July 16, 2021 230-17

Via Email

Shannon McKie, MCIP, RPP
Senior Project Manager, Development Planning, Heritage & Design
Planning Division

City of Hamilton 71 Main Street West, 5th Floor Hamilton, ON L8P 4Y5

Dear Ms. McKie,

RE: 75 James Street South and 44 Hughson Street South Minor Variance Application (HM/A-21:221)

In support of the Minor Variance application pertaining to the subject property that has been scheduled for the July 22, 2021 Committee of Adjustment meeting, UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) provides the following justification for the requested variances.

The subject lands are designated as "Neighbourhoods" in the Urban Hamilton Official Plan. Further, the subject property falls within the "Downtown Mixed Use" and "Downtown Mixed Use – Pedestrian Focus" designations in the Downtown Hamilton Secondary Plan. Additionally, the property is located in the Downtown Central Business (D1) Zone and Downtown Prime Retail Streets (D2) Zone in the City of Hamilton Zoning By-law No. 05-200.

A Minor Variance application is required to facilitate the establishment of the proposed mixed-use building as conditionally approved on April 16, 2020 and to recognize those zoning deficiencies which were noted by City staff throughout the development review process. This Minor Variance application is intended to achieve relief from the City of Hamilton Zoning By-law No. 05-200 with respect to the Downtown Central Business (D1) and Downtown Prime Retail Streets (D2) Zone as follows:

- Variance No. 1: To permit a maximum setback of 6.5 metres to Jackson Street East for the portion of the building below 11.0 metres in height within the D1 Zone whereas a maximum setback of 4.5 metres is permitted.
- Variance No. 2: To permit a maximum setback of 4.5 metres to Jackson Street East for the portion of the building below 11.0 metres in height within the D2 Zone whereas a maximum setback of 2.0 metres is required.
- Variance No. 3: To permit a maximum setback of 3.2 metres to James Street South for the portion
 of the building below 11.0 metres in height within the D2 Zone whereas a maximum setback of
 2.0 metres is required.

- Variance No. 4: To permit a maximum lot coverage of 90% whereas a maximum lot coverage of 85% is permitted.
- Variance No. 5: To permit a minimum of 44% of the ground floor façade along Jackson Street East to be comprised of glazing whereas the minimum required ground floor façade glazing is 60%.
- Variance No. 6: To permit a maximum of 48% of the second and third floor façade along Jackson Street East to be comprised of glazing whereas the maximum permitted is 40%.
- Variance No. 7: To permit an increase of 0.1 metres in parking space widths for parking spaces which abut a wall or column, whereas the parking space width is required to be increased by 0.3 metres when abutting a wall or column.
- Variance No. 8: To permit a minimum setback to a daylight triangle of 0.5 metres, whereas the minimum setback to a daylight triangle is 3.0 metres.

Justification for the proposed variance has been provided below in accordance with Section 45 of the Planning Act:

1. Is the proposed minor variance in keeping with the general purpose and intent of the Urban Hamilton Official Plan?

The subject lands are designated as "Downtown Mixed Use" in the Urban Hamilton Official Plan which permits the proposed use of the lands. As outlined in Section 6.1.4.21 of the Downtown Hamilton Secondary Plan, tall building development shall ensure transition to adjacent existing and planned lowrise and mid-rise buildings through the application of separation distances, setbacks, and stepbacks in accordance with Policies B.6.1.4.31 through B.6.1.4.39 of the Urban Hamilton Official Plan. As proposed, the massing implements appropriate stepbacks and setbacks to height limits to ensure the development has regard for the above noted section. Chapter B, Section 2.4.1.3(a) indicated that lands within the Downtown Urban Growth Centre are to accommodate 20% of the City's growth. The proposal will assist the municipality in implementing this policy 2.4.1.3(a), as the proposed development includes accommodates 635 residential units. As outlined in Section B.3.3.2 of the UHOP, development shall ensure the height, massing and arrangement of buildings and structures are compatible with existing and future uses of the surrounding area. The intent of these policies is to encourage and accommodate compatible forms of development which is exemplified in the subject application. The requested variances will facilitate a previously approved mixed-use development, which represents a permitted use and is in keeping with the existing and planned land uses in the surrounding area. Therefore, the requested variances meet the general purpose and intent of the Official Plan.

2. Is the proposed minor variance in keeping with the general purpose and intent of the Zoning Bylaw?

The subject property is located in the Downtown Central Business (D1) and Downtown Prime Retail Streets (D2) Zone in Zoning By-law No. 05-200.

The variances requested are to provide an increased setback to Jackson Street East and James Street South respectively, an increased maximum lot coverage, a reduced minimum ground floor façade glazing, a reduced setback to a daylight triangle, a reduced parking stall width when abutting a wall or column, and an increased second and third floor façade glazing. The intent of the zoning provision is to maintain built form and lot fabric to ensure compatibility with existing built form as well as current and future surrounding neighbourhoods of the downtown core. The requested variances will meet this intent as they will permit the subject lands to have massing conditions similar to that of lands located in the immediate vicinity (8 Main Street East & 79 James Street South). Further, as the percentage of permitted façade glazing is proposed to be decreased on the ground floor and increased on the second and third floor, the intent of the provisions are still being met through the balancing of façade glazing percentages contained within the first three floors. With regards to the variances to the required setbacks along Jackson Street East and James Street South, these variances are included to recognize the built form and compatibility of the existing heritage building on site. These elevations were contemplated in the Cultural Heritage Impact Assessment completed as part of the Site Plan submission. Further, their purpose is to reduce the effect of the podium on the public realm. As such, these modifications to the by-law maintain the purpose and intent of the current setback provisions. The variances related to parking space size abutting a wall or column and setback to a daylight triangle are more technical in nature, in order to facilitate the conditionally approved built form on site. Therefore, these variances maintain the purpose and intent of the Zoning By-law.

The proposal conforms to all other zoning provisions and therefore the overall intent of the Zoning Bylaw is maintained.

3. Is the proposed minor variance minor in nature?

The proposed variances are minor in nature and necessary to facilitate the conditional Site Plan approval. The intent of this application is to request a reduction to the maximum permitted lot coverage, minimum permitted ground floor façade glazing and an increase to the maximum permitted façade glazing on the second and third floor. These variances will facilitate the conditionally approved built form. The variance regarding maximum lot coverage can be considered appropriate given the site's downtown context. The downtown core has many examples of sites where lot coverage exceeds 85% given the small parcels and characteristically high density associated with the area. As the variance is requesting a 5% increase in permitted lot coverage and many other sites in the immediate vicinity contain similar lot coverage, it can be considered minor in nature.

Variance Nos. 1-3 are dual purpose as they are meant to maintain setbacks which are in keeping with the existing heritage building on site and reduce the effect of the podium on the public realm. The result of the variances will be a development which contains appropriate transitions to the existing heritage building and gives consideration to the effect on the streetscape. The setbacks are only requested to increase by a maximum of 2.5 metres or less from what is required in the Zoning By-law. Given these factors, these variances can be considered minor in nature.

The requested variances related to permitted façade glazing can be considered minor in nature as Variance No. 5 proposes a decrease in permitted façade glazing on the ground floor of 16%, while Variance

No. 6 proposes an increase in permitted façade glazing on the second and third floor of 8%. Considering pedestrian sightlines at street level capture all three floors, the percentage of glazing will be relatively balanced through the three storeys in question. Ultimately, maintaining the intent of the Zoning provision and consisting of a visual difference of 8% less façade glazing in total. It is our opinion that an 8% difference can be considered negligible in having an impact on the pedestrian experience and is minor in nature.

As mentioned above, the variances related parking space size and setback to a daylight triangle are more technical in nature, in order to facilitate the conditionally approved built form on site. Therefore, these variances can be c230onsidered minor in nature and do not cause any significant adverse impacts to pedestrian or resident usage of the site. Additionally, the parking stall size in a majority of the areas which abut a wall or column have been dimensioned as 3.1 metres x 5.8 metres whereas the standard parking stall size is 2.8 metres x 5.8 metres. As such, 70% of parking stalls which abut a wall or column already meet the standards of the Zoning By-law. The requested variance will bring the remaining 30% of parking stalls into conformity. This further demonstrates the minor nature of the requested variance as the intent to provide additional room for car doors is being considered and maximum effort is being put forth for this to be accommodated in the design. Finally, similar variances of this nature which requested relief from the increased parking stall width when abutting a wall or column have been approved by the Committee of Adjustment and Council previously.

Given that all other regulations of the By-law remain, the requested variances do not greatly alter the existing regulations, and the proposed built form is in keeping with the conditions of the surrounding area the request is consistent with the Zoning By-law and is considered to be minor in nature.

4. Is the proposed minor variance desirable for the appropriate development or use of the land, building or structure?

As previously mentioned, the downtown core has many examples of sites where lot coverage exceeds 85% given the small parcels and characteristically high density associated with the area. The loss in amenity space which can be accommodated at ground level has been addressed through the inclusion of several amenity rooftops on each of the proposed step backs provided. Additionally, the purpose of the maximum lot coverage provision in the By-law is to accommodate stormwater management needs of individual sites. With this in mind, the proposed lot coverage can be further supported as Development Engineering staff have approved the stormwater management design for the site using the proposed 90% lot coverage.

Further, the proposed façade glazing contained on the first, second and third floor is in keeping with the buildings in the immediate vicinity of the subject lands and will not produce a pedestrian environment that can be considered incompatible or inappropriate for the context of the site.

Variance Nos. 1 & 2 regarding setbacks are necessary to recognize the existing heritage character of the existing heritage building on the eastern edge of the subject lands. The setbacks directly correspond to the built form of the heritage building for which the proposed structure is abutting. To acknowledge and respect the relationship of the existing and proposed built form, setbacks are proposed to make a seamless transition between each. As a result of these setbacks, Variance Nos. 1 & 2 are required. Variance No. 3 is requested to increase the setback to the street for the purpose of reducing the effect of the

podium on the public realm. For these reasons, the variances can be considered appropriate and desirable.

The variance of the required setback to a daylight triangle is suitable as the variance is highly technical in nature due to the pinch-point nature of that area of the site. The variance is only required because the applicant agreed to dedicate a daylight triangle to the City of Hamilton and the dedication resulted in a loss of space on the southwest corner of the property. To accommodate this loss of space, the variance is required. The inclusion of the daylight triangle improves the pedestrian environment and combined with 0.5 metres of additional space, there is ample room for both pedestrian mobility and visibility.

Finally, the variance requesting a decrease in parking space width when abutting a wall or column can also be considered technical in nature as it is needed to facilitate the locations of the structural columns in the parking garage. These columns are crucial to the structural stability of the building and cannot be adjusted to accommodate the larger parking stall size.

The requested variances will facilitate the conditional Site Plan approval, which will result in a built form that is in keeping with the character of the surrounding area and represents a use of land that is permitted in the Urban Hamilton Official Plan and Zoning By-law 05-200. Therefore, the application is desirable and appropriate for the conditionally approved Site Plan for the lands.

As such, the proposed variances satisfy the four tests outlined in Section 45(1) of the Planning Act as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

Further to the variances noted above, there is one additional variance which is being evaluated separately as it is not part of the technical variances needed to simply facilitate that which has already received conditional approval. This Minor Variance request is intended to achieve relief from the City of Hamilton Zoning By-law No. 05-200 with respect to the Downtown Central Business (D1) and Downtown Prime Retail Streets (D2) Zone as follows:

Variance No. 9: To permit a maximum building height of 108.0 metres for the portion of the building located in the D2 zone, whereas a maximum building height of 94.2 metres is permitted.

Please note, a variance to increase the permitted height to 111.0 metres was initially requested for the site, however following discussions with zoning staff, the request was reduced to 108.0 metres. Justification for the proposed variance has been provided below in accordance with Section 45 of the Planning Act:

1. Is the proposed minor variance in keeping with the general purpose and intent of the Urban **Hamilton Official Plan?**

As outlined in Section 6.1.4.21 of the Downtown Hamilton Secondary Plan, tall building development shall ensure transition to adjacent existing and planned low-rise and mid-rise buildings through the application of separation distances, setbacks, and stepbacks in accordance with Policies B.6.1.4.31 through B.6.1.4.39 of the Urban Hamilton Official Plan. Further, Section 6.1.10.8 requires development to provide setbacks, stepbacks, or reduced heights in order to mitigate the impact of the proposed development on existing views. As proposed, the massing implements appropriate stepbacks and setbacks to height limits to ensure the development has regard for the above noted sections. Section B.3.3.5 of the Urban Hamilton Official Plan outlines the importance of respecting public views and vistas through the siting of built form. The proposed variance does not impact public views of the escarpment from the lower city as the conditionally approved height already rises above the angular view of escarpment for a pedestrian and similarly does not negatively alter the view of the panoramic skyline from the top of the escarpment. The Visual Impact Assessment completed by the MBTW Group further outlines the compliance of the proposed height with the relevant policy framework.

The intent of the above noted policies is to encourage and accommodate compatible forms of development which is exemplified in the subject application, which respect existing public views and vistas. The Minor Variance being requested is compatible with these policeis, the surrounding neighbourhood and maintains the general purpose and intent of the Urban Hamilton Official Plan.

2. Is the proposed minor variance in keeping with the general purpose and intent of the Zoning Bylaw?

The intent of the zoning provision is to maintain built form and lot fabric to ensure compatibility with existing built form as well as current and future surrounding neighbourhoods of the downtown core. The requested variance will meet this intent as it will permit the subject lands to have massing conditions similar to that of lands located in the immediate vicinity (8 Main Street East & 79 James Street South) and height conditions similar to that of 25 Main Street West & 100 Main Street East. All setbacks and stepbacks have been appropriately considered during the Zoning By-law Amendment and Site Plan stages for the proposed development to ensure the intent and purpose of the Zoning regulations are captured in the proposal. Further, the proposal conforms to all other zoning provisions and therefore the overall intent of the Zoning By-law is maintained.

3. Is the proposed minor variance minor in nature?

The requested variance to increase permitted building height can be considered minor given the surrounding context of the site. The proposed height allowance is compatible with the surrounding downtown context of the property, as the area includes a concentration of the City's tallest buildings. Furthermore, as a pedestrian experiencing the site from the sidewalk viewpoints located in the lower city (Figure 1), the proposed change in height is not visually substantial. It is also worth noting that pedestrian views of the escarpment from the lower city are not sacrificed as a result of the proposed increase in height, as the additional floors are far above an individual's angular view of the escarpment from the sidewalk. Figure 2 illustrates the view of the current proposed development from Sam Lawrence Park. The proposed residential tower rises slightly above the visual horizon line created by the Niagara Escarpment. However, the proposed development has a lesser impact on the visual horizon line than the previously existing Landmark Place apartment building, located to the right of the proposed development in Figure 2. Additionally, the impacts to pedestrian views of the horizon line from the top of the escarpment are unaltered through the proposed height increase as the additional storeys do not block views of the adjacent escarpment. Rather, the additional storeys build on the previously proposed height that already

rose above the visual horizon line. Therefore, the proposed tower height of 34-storeys are appropriate and consistent with the intent of the Niagara Escarpment Plan and Urban Hamilton Official Plan when giving consideration to pedestrian visual impact and consistency of built form.





Figure 1: View looking South-West on James Street S before (left) and after (right) proposed development.





Figure 2: View of skyline before (left) and after (right) implementation of proposed development.

As the proposed height is in keeping with the character of the surrounding context, and pedestrian views are no more impacted than the conditionally approved height, it can be considered minor in nature.

4. Is the proposed minor variance desirable for the appropriate development or use of the land, building or structure?

The variance can be considered appropriate as adequate building step backs have been implemented into the built form to aid in mitigating shadow impacts, and intensity of massing from a ground perspective. The proposed height allowance is compatible with the surrounding downtown context of the property, as the area includes a concentration of the City's tallest buildings. Further, a Visual Impact Assessment was completed for the proposed development which concluded that the proposal will not have a negative visual impact on the scenic resources of the Niagara Escarpment, the local area or the City of Hamilton skyline. Given the compliance of the proposed variance with the relevant policy framework, its lack of visual change from the lower city and top of escarpment and its massing compatibility with other high rise structures in the immediate vicinity, it can be considered desirable and appropriate for the site.

As such, the proposed variances satisfy the four tests outlined in Section 45(1) of the *Planning Act* as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

In support of this application, please find enclosed the following:

One (1) PDF of the Visual Impact Assessment prepared by MBTW Group.

We look forward to working with City staff in the review of this application. Should you have any questions or require anything further, please do not hesitate to contact the undersigned.

Matt Johnston, MCIP RPP

Principal

Regards, UrbanSolutions

Sergio Manchia, MCIP, RPP

Cc.

Mr. Jason Thorne, City of Hamilton

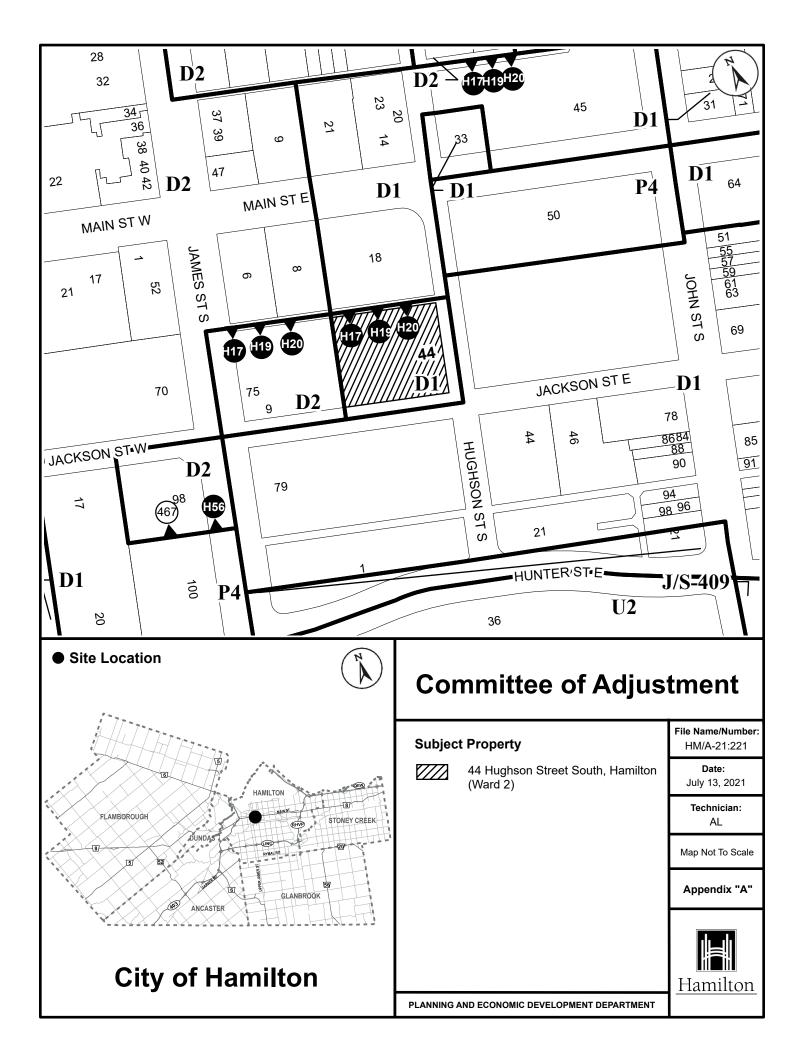
Mr. Steve Robichaud, City of Hamilton

Ms. Alissa Mahood, City of Hamilton

Mr. Riccardo Persi, LiUNA Local 837

Mr. Andrew Salomon & IShawn Marr, The Hi-Rise Group

Mr. Patrick Harrington, Aird & Berlis LLP



HM/A-20:114 – 30 Poulette St., Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

HM/A-20:114 – 30 Poulette St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Urban</u>

The purpose of this application is to permit the construction of a 3.35 metre by 6.40 metre detached garage accessory to the existing single detached dwelling and to recognize the location of the existing southerly uncovered porch at the first storey (existing deck) and a 0.91 metre by 1.52 metre existing uncovered front porch with stairs at the first storey (front porch with stairs) notwithstanding the following variances.

Urban Hamilton Official Plan

The property is identified as "Neighbourhoods" in Schedule E– Urban Structure and is designated "Neighbourhoods" in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

Archaeology:

The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In areas of pioneer EuroCanadian settlement; and
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this file is approved, the proponent must be advised by the Committee of Adjustment as follows:

"Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the

Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

Cultural Heritage:

The subject property is a circa 1887 dwelling located within the Kirkendall North Established Historic Neighbourhood. The property is located adjacent to 148 and 158 Canada Street, 24 Poulette Street, and 383 and 389 Jackson Street West, properties included on the City's Inventory of Heritage Buildings.

The proponent proposes to construct a detached garage accessory to the existing single detached dwelling and to recognize the location of the existing southerly uncovered porch at the first storey and an existing uncovered front porch with stairs at the first storey.

Notwithstanding that the property is located within the Kirkendall North Established Historic Neighbourhood and adjacent to properties included in the City's Inventory of Heritage Buildings, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the property will be conserved. Staff have no further comments on the application as circulated.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned "D/S-1787" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified, which permits a single family dwelling.

Variance 1 and 2

The applicant is requesting a variance to permit a maximum building height of 5.1 metres and to permit the accessory building to be located within the required southerly side yard located a minimum of 0.6 metres from the southerly side lot line notwithstanding the maximum building height of 4.0 metres and that no accessory building is permitted in a required side yard (being 1.2 metres). The general intent of the Zoning By-law is to maintain a consistent streetscape, avoid any impact on access and drainage to the adjacent properties, and to ensure the use and scale of the accessory building remain ancillary to the primary use on the property. Staff defer any drainage concerns to Development Engineering Approvals.

The applicant is proposing to construct a new detached garage within the southerly side yard of the existing single detached dwelling. The variances are not maintaining the general intent of the Zoning By-law as the proposed detached garage does not reflect an appropriate scale for an accessory building. Staff is of the opinion that the proposed detached accessory building should maintain the maximum permitted height of 4.0 metres to conform with the regulations of the Zoning By-law.

The southerly side yard is the only location on the subject property available to accommodate a detached garage due to the location of the existing deck in the rear yard and the building footprint of the existing single detached dwelling. Variance 2 is not desirable for the appropriate development of the subject property as it will result in very limited permeable area on site and represents an overdevelopment of the subject property.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is not being maintained, the variances are not desirable for the development nor minor in nature; **therefore**, **staff do not support the variances**.

Variance 3

The applicant is requesting a variance to allow the eaves and gutters for the accessory building to project a maximum of 0.5 metres into the southerly side yard so the eaves and gutters may be as close as 0.1 metres to the southerly side lot line notwithstanding the requirement that eaves and gutters may project into a required yard not more than one half of its width (0.3 metres). The general intent of the Zoning By-law is to maintain a consistent streetscape and avoid any impact on the enjoyment and privacy of the adjacent properties.

Staff is of the opinion the proposed eaves and gutters of the proposed detached garage can conform with the requirement of the Zoning By-law. Staff recommend the applicant revise the submitted plans to conform with the requirements of the Zoning By-law.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is not being maintained, the variance is not desirable for the development nor minor in nature; **therefore**, **staff do not support the variance**.

Variance 4

The applicant is requesting a variance to allow the existing southerly uncovered porch (existing deck) at the first storey to be located 0.0 metres from the southerly lot line and 0.0 metres from the rear lot line notwithstanding the requirement that an uncovered porch which does not extend more than 1.0 metres above the floor level of the first storey may project into a required yard maintaining a minimum distance of 0.5 metres from the nearest side lot line and rear lot line. The intent of the Zoning By-law is to allow adequate space for access and drainage and to avoid any impact on the enjoyment and privacy of the adjacent properties. Staff defers any access or drainage concerns to Development Engineering Approvals.

The existing uncovered porch (deck) is located 0.0 metres from the southerly side lot line and the rear lot line. While the deck is existing, the variance is not maintaining the intent

of the Zoning By-law as the proximity to the southerly and westerly property line may impact the privacy and enjoyment of the adjacent properties. The respective setback of 0.0 metres is not sufficient for access for maintenance and staff is of the opinion the required setback of 0.5 metres can be accommodated without impacting the usability of the deck.

Therefore, staff recommend the applicant modify the existing deck to meet the requirements of the Zoning By-law.

Based on the foregoing, while the general intent of the Urban Hamilton Official Plan is being maintained, the general intent of the Zoning By-law is not being maintained, the variance is not desirable for the development nor considered minor in nature; **therefore**, **staff do not support the variance**.

Variance 5

The applicant is requesting a variance to allow the existing uncovered front porch with stairs at the first storey to be located 0.7 metres from the street line notwithstanding the requirement that an uncovered porch which does not extend more than 1.0 metre above the floor level of the first storey may project into a required yard maintaining a minimum distance of 1.5 metres from the nearest street line. The general intent of the Zoning Bylaw to is to provide an appropriate distance separation from the porch and the street, and to maintain a consistent residential streetscape.

The variance to recognize the existing projection of the front porch maintains the general intent of the Zoning By-law. The front porch is in keeping with the residential streetscape and allows for an appropriate proportion of landscaped area within the front yard. In addition, there is approximately 1.7 metres of landscaped boulevard between the porch stairs and the sidewalk which aides in maintaining an appropriate distance separation between the porch and the street.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law is being maintained, the variance is desirable for the appropriate use of the site and considered minor in nature; **therefore**, **staff support the variance**.

Recommendation:

Based on the preceding information, Variances 1, 2, 3 and 4 do not maintain the general intent and purpose of the Urban Hamilton Official Plan or the general intent and purpose of Zoning By-law No. 6593. Variances 1, 2, 3 and 4 are not considered to be minor in nature nor desirable for the appropriate use of the property.

Variance 5 maintains the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. Variance 5 is minor in nature and desirable for the appropriate use of the property.

In conclusion, Staff recommends that the application be **denied**.

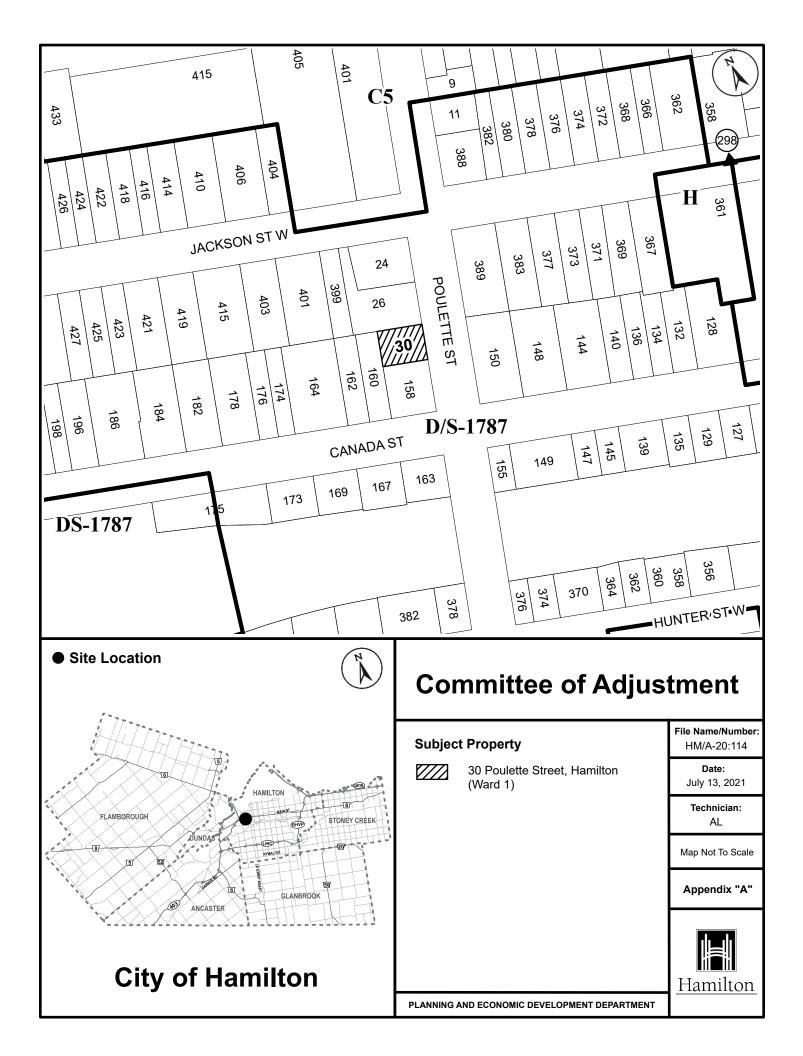
Building Division:

- 1. Variance # 1 shall be altered by altering the proposed maximum height from 5.1m to 5.2m as the metric conversion of the proposed height of 16'9" is 5.11m. As such, the revised wording of Variance # 1 shall be:
 - "The accessory building shall have a maximum height of 5.2m instead of the requirement that no accessory building shall exceed 4.0m in height."
- 2. Elevations Sections Detail Drawing A1 (Revision 2 dated 03.11.21) was not attached to the Notice.
- 3. Variance #'s 4 and 5 are intended to recognize the location of the existing front porch and stairs and the existing deck located at the south side of the dwelling.
- Variances are not necessary for the existing 1.5 storey dwelling as its front yard depth, northerly side yard width and rear yard depth are considered legally established nonconforming.
- 5. A variance for a front yard at garage is not necessary as the garage is not located in the front yard.
- 6. Be advised that Ontario Building Code regulations may require specific setback and construction types. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2m in width and The O.B.C. will regulate the type of construction permitted as the limiting distance is less than 0.6m.
- 7. A building permit is required for construction of the proposed detached garage and the existing deck.

Development Engineering:

Provided that the existing drainage pattern is maintained and that all roof water and roof water leaders are directed to the front of the detached garage and not directed to drain to the side or rear yards, we have no comments

See attached for additional comments.



HM/A-21:220 – 174 Stanley Ave., Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

HM/A-21:220 - 174 Stanley Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of an uncovered front porch including stairs to the existing single detached dwelling notwithstanding the variances below.

Urban Hamilton Official Plan

The property is identified as "Neighbourhoods" in Schedule E– Urban Structure and is designated "Neighbourhoods" in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

Cultural Heritage:

The subject property is a circa 1922 dwelling located within the Kirkendall North Established Historic Neighbourhood. The property is located adjacent to 345 and 347 Herkimer Street and 171 and 175 Stanley Avenue, properties included on the City's Inventory of Heritage Buildings.

The proponent proposes to construct an uncovered front porch including stairs to the existing single-family dwelling.

Notwithstanding that the property is located within the Kirkendall North Established Historic Neighbourhood and adjacent to properties included in the City's Inventory of Heritage Buildings, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the property will be conserved. Staff have no further comments on the application as circulated.

Former City of Hamilton Zoning By-law No. 6593

The subject site is zoned "D/S-1787" Urban Protected Residential – One and Two Family Dwellings, etc.) District Modified and permits a single family dwelling.

Variance 1

The applicant is requesting that a minimum 0.7 metre setback from the front lot line to the edge of the stairs be provided, notwithstanding the minimum required 1.5 metres distance from the nearest street line. The intent of the By-law is to provide a distance separation from the porch and street, and to provide a consistent residential streetscape.

Staff are of the opinion that the variance is maintaining the general intent of the Zoning By-law as the porch is consistent with the surrounding lots and is in keeping with the residential streetscape. Staff acknowledge there is approximately 5.0 metres of boulevard right of way from the edge of the property line to the sidewalk that aides into the distance separation from the porch to the street. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, **staff support the variance**.

Variance 2

The applicant is seeking a variance to allow for a minimum 43.7% of the front yard to be maintained as landscaped area, notwithstanding the Zoning By-law requires 50% of the gross area of the front yard to be maintained as landscaped area. The general intent and purpose of the Zoning By-law requirement is to maintain the existing character and streetscape of the neighbourhood, and to provide adequate permeable surface area.

Staff are of the opinion that the variance maintains the general intent and purpose of the By-law as there will be no impact on the existing character and streetscape of the neighbourhood. Staff are satisfied that the remaining unpaved areas of the front yard will continue to provide a permeable surface area.

The proposed variance meets the general intent and purpose of the Urban Hamilton Official Plan, and the Zoning By-law, is minor in nature and is desirable and appropriate for the use of the lands, **therefore**, **staff support the variance**.

Recommendation:

Based on the preceding information, Variances 1 and 2 maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning Bylaw No. 6593. The variances are minor in nature and desirable for the appropriate use of the property.

In conclusion, Staff recommends that the application be **approved**.

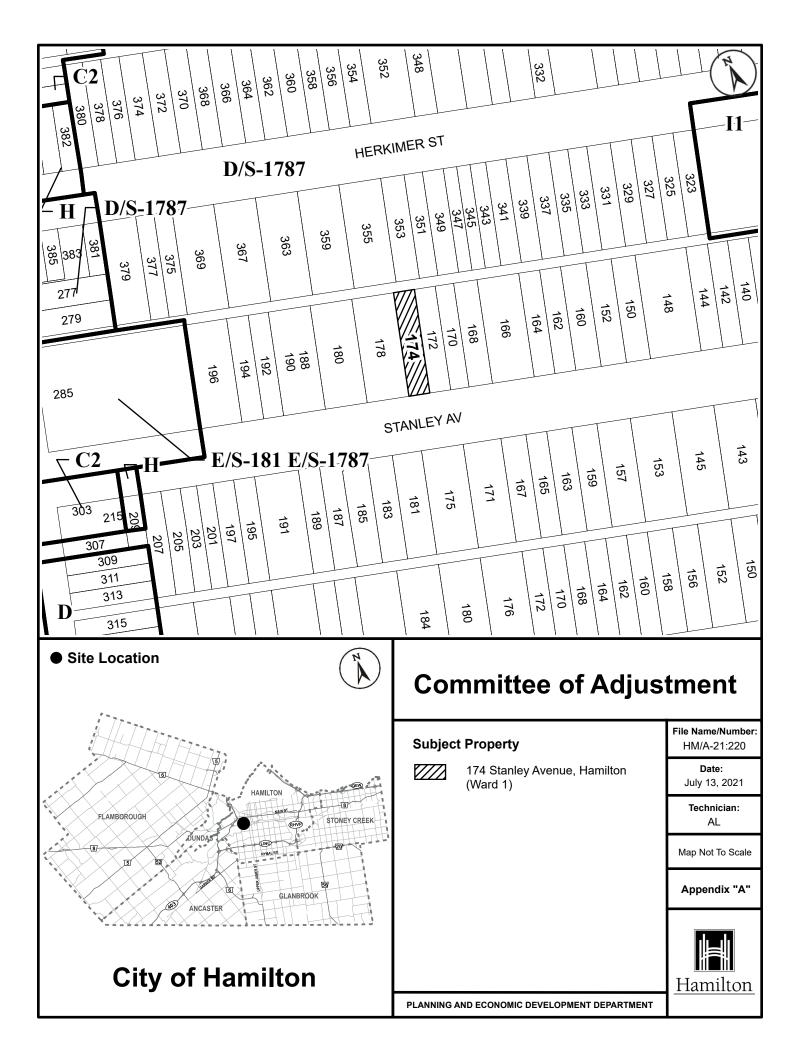
Building Division:

1. Subject to the issuance of a building permit in the normal manner.

Development Engineering:

No comments.

See attached for additional comments.



HM/A-21:233 – 52 Homewood Ave., Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

1. That the applicant apply and receive an encroachment agreement to permit the accessory building to encroach into the boulevard to the satisfaction of the Manager of Development Planning.

NOTE:

"Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

HM/A-21:233 – 52 Homewood Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Urban</u>

The purpose of this application is to permit the construction of a new 48 metre square metre accessory building in the rear yard of the existing dwelling, notwithstanding the variance below.

Urban Hamilton Official Plan

The property is identified as "Neighbourhoods" in Schedule E– Urban Structure and is designated "Neighbourhoods" in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, and E.3.4.3 amongst others, are applicable and permit single detached dwellings and accessory structures.

Archaeology:

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) In the vicinity of distinctive or unusual landforms; and
- 2) In areas of pioneer EuroCanadian settlement.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this site plan is approved, Staff require that an acknowledgement be added to the Decision as follows:

"Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport,

Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

Cultural Heritage:

The subject property is a circa 1895 dwelling located within the Kirkendall North Established Historic Neighbourhood. Accordingly, Sections B.3.4.3.6 and B.3.4.3.7 of the Urban Hamilton Official Plan, Volume 1, apply.

The property is additionally located adjacent to 51 Stanley Avenue, a property included on the City's Inventory of Heritage Buildings.

The proponent proposes to construct a new accessory building in the rear yard of the existing dwelling.

Where new construction is proposed in an Established Historic Neighbourhood, key considerations are the visual and physical impacts on landscape features, typically public views of the building fabric, building set-back, the streetscape and significant vistas.

Notwithstanding that the property is located within the Kirkendall North Established Historic Neighbourhood and adjacent to a property included in the City's Inventory of Heritage Buildings, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the property will be conserved. The building set-back is sufficient to ensure that the visual impacts on the streetscape are minimized. Staff strongly recommend the use of compatible materials for the accessory building. Staff have no further comments on the application as circulated.

Former City of Hamilton Zoning By-law No. 6593

The subject site is zoned "D/S-1787" Urban Protected Residential – One and Two Family Dwellings, etc.) District Modified and permits a single family dwelling and accessory structures.

Variance 1

The applicant is requesting a variance to allow a minimum easterly side yard width of 0.0 metres notwithstanding the minimum required 1.2 metre side yard width for an accessory building on a corner lot. The intent of this provision is to allow adequate space for access Page 3 of 5

and drainage, and to avoid any impact on the enjoyment and privacy of the adjacent properties.

The general intent of the Zoning By-law is being met as the variance is recognizing an existing condition as the structure is being built off the existing shed. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area. Staff note that the submitted site plan appears to show the existing part of the proposed accessory building encroaching onto the city boulevard. Staff recommend a condition that if the variance is approved, the applicant apply and receive an encroachment agreement to permit the accessory building to encroach into the boulevard.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Recommendation:

Based on the preceding information, variance 1 maintains the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-law No. 6593. The variance is minor in nature and desirable for the appropriate use of the property.

In conclusion, Staff recommends that the application be approved with the added condition.

CONDITIONS: (If Approved)

1. That the applicant apply and receive an encroachment agreement to permit the accessory building to encroach into the boulevard to the satisfaction of the Manager of Development Planning.

NOTE:

"Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development

Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

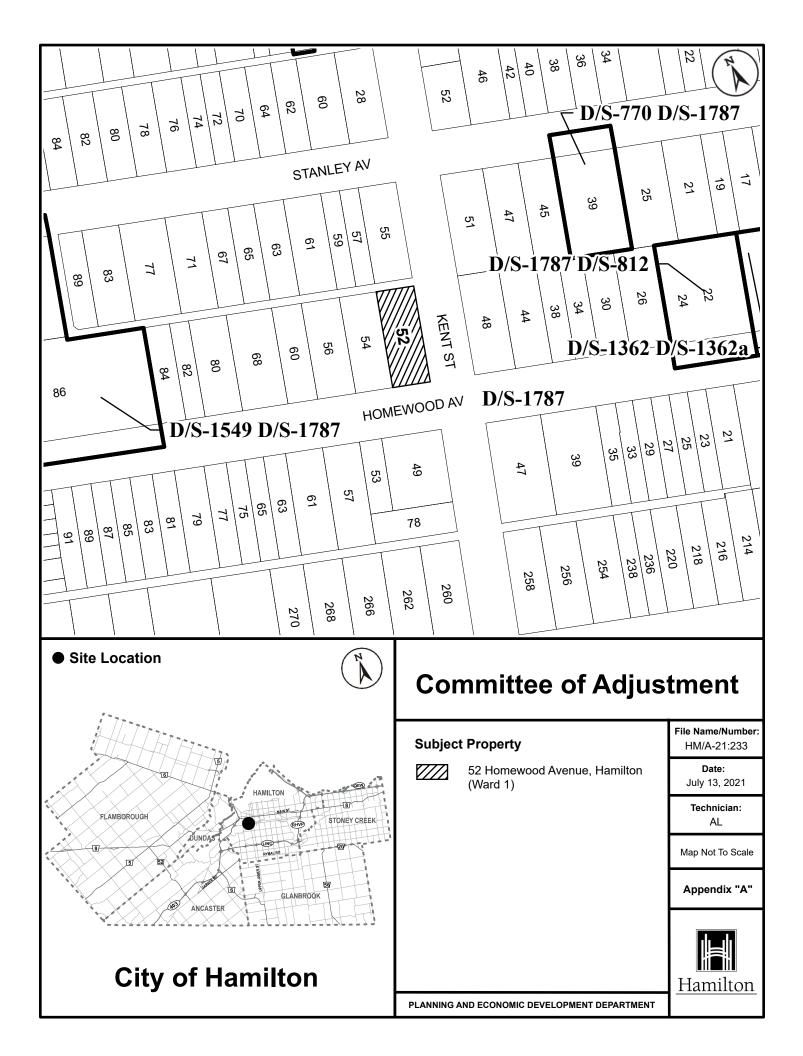
Building Division:

1. A building permit is required in the normal manner for the construction of the proposed accessory building. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

Provided that the existing drainage patterns are being maintained, Development Engineering Approvals have no comments/concerns with the proposed Minor Variance(s).

See attached for additional comments.



HM/A-21:237 – 109 Kent St., Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

NOTE:

"Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

HM/A-21:237 – 109 Kent St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Urban</u>

The purpose of this application is to permit the construction of a roofed over unenclosed front porch including stairs, a 3rd storey dormer addition along the southerly side lot line, a one storey easterly rear addition to replace the existing rear addition and an uncovered porch at the rear of the existing single detached dwelling, notwithstanding the variances below.

Urban Hamilton Official Plan

The property is identified as "Neighbourhoods" in Schedule E– Urban Structure and is designated "Neighbourhoods" in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, and E.3.4.3 amongst others, are applicable and permit single detached dwellings and accessory structures.

Archaeology:

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) In areas of pioneer EuroCanadian settlement; and
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this file is approved, Staff require that an acknowledgement be added to the Decision as follows:

"Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified

on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

Cultural Heritage:

The subject property is a circa 1902 dwelling listed on the City's Inventory of Heritage Buildings and is located within the Kirkendall South Established Historic Neighbourhood. Accordingly, Sections B.3.4.3.6 and B.3.4.3.7 of the Urban Hamilton Official Plan, Volume 1, apply.

The City recognizes there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the Ontario Heritage Act, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.

Although not formally recognized under the Ontario Heritage Act through registration or designation, the subject property is of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the building and are contextually appropriate.

The proponent proposes to construct a roofed over unenclosed front porch including stairs, a 3rd storey dormer addition on the Southerly side lot line, 1 storey easterly rear addition and an uncovered porch at the rear of the existing single-family dwelling.

Accordingly, the following sections of the Urban Hamilton Official Plan, Volume 1, apply:

- B.3.4.1.3 "Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources." and,
- B.3.4.2.1(g) "Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the Planning Act either through appropriate planning and design measures or as conditions of development approvals."

B.3.4.2.1(h) "Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City."

Where new construction is proposed in an Established Historic Neighbourhood, key considerations are the visual and physical impacts on landscape features, typically public views of the building fabric, building set-back, the streetscape and significant vistas.

Staff have reviewed the application and are generally supportive of the proposal. Staff strongly recommend the use of compatible materials and colours for the dormers and discourage the use of metal cladding. Staff have no further comments on the application as circulated.

Former City of Hamilton Zoning By-law No. 6593

The subject site is zoned "D/S-1787" Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified and permits a single family dwelling.

Variance 1

The applicant is requesting a variance to allow a minimum southerly side yard width of 0.3 metres to be provided, notwithstanding the minimum required side yard width of 2.7 metres. The intent of this provision is to provide adequate space for access, drainage, and to provide a proper building envelope for the subject lands. Staff defers any drainage concerns to Development Engineering Approvals.

The variance maintains the general intent of the By-law as the proposed dormer aligns with the existing southern façade which is an existing condition, and which currently provides sufficient space for access and the setback still provides a consistent building envelope that is found along Kent Street. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area from the reduced side yard setback.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Variance 2

The applicant is requesting a variance to allow a minimum northerly side yard width of 1.7 metres to be provided, notwithstanding the minimum required 2.7 metres. The intent of this provision is to provide adequate space for access, drainage, and to provide a proper

building envelope for the subject lands. Staff defers any drainage concerns to Development Engineering Approvals.

The general intent of the Zoning By-law is being met as the variance is recognizing an existing condition. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Variance 3

The applicant is requesting a variance to allow for a minimum rear yard depth of 4.7 metres to be provided, notwithstanding the minimum required 10.5 metre rear yard depth. The intent of this provision is to provide for adequate amenity space and for a proper building envelope.

Staff are of the opinion that the variance maintains the general intent and purpose of the by-law as adequate space for amenity area is still being provided and that the building envelope being proposed is of proper size for the subject site. Staff further acknowledge that as a result of removing the existing rear addition, the rear yard setback for the new proposed addition is larger than the current rear yard setback of the existing dwelling, improving the situation. Staff are of the opinion the variance is desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Variance 4

Duplicate of Variance 3 and is not required.

Variance 5 and 6

The applicant is requesting a variance to permit the proposed roofed over unenclosed front porch including stairs to provide a 0.2 metre setback from the front lot line, notwithstanding the minimum required 3.0 metres and 1.5 metres from the street line. The intent of the By-law is to provide a distance separation from the porch and street, and to provide a consistent residential streetscape.

Furthermore, the applicant is requesting a variance to permit the proposed roofed over unenclosed front porch, including stairs, to provide a 0.3 metre setback from the southerly

side lot line, notwithstanding the minimum required side yard width of 2.7 metres. The intent of this provision is to provide adequate space for access, drainage, and to provide a proper building envelope for the subject lands. Staff defers any drainage concerns to Development Engineering Approvals.

Staff are of the opinion that the variances are maintaining the general intent of the Zoning By-law as the porch is consistent with the surrounding lots and is in keeping with the residential streetscape along Kent Street. Staff acknowledge there is approximately 3.0 metres of boulevard right of way from the edge of the property line to the sidewalk that aides into the distance separation from the porch to the street. Additionally, the southerly side yard setback is in keeping with the existing side yard setback of the existing structure. The variances are desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variances are desirable for the development and minor in nature; therefore, **staff support the variances**.

Variance 7

The applicant is requesting a variance to allow the eaves and gutters to be permitted to encroach the entire width of the southerly side lot line, notwithstanding the maximum permitted encroachment of one half the width of the required side yard, or 1.0 metres, whichever is lesser. If Variance 1 is approved, the permitted encroachment would be 0.15 metres. The intent of this provision is to ensure all water management is provided within the subject site and does not encroach onto adjacent properties. Staff defers any drainage concerns to Development Engineering Approvals.

The general intent of the Zoning By-law is being met as the variance is recognizing an existing condition. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Recommendation:

Based on the preceding information, the variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning Bylaw No. 6593. The variances are minor in nature and desirable for the appropriate use of the property.

In conclusion, Staff recommends that the application be **approved**.

NOTE:

"Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

Building Division:

- 1. Variance # 3 should be altered to delete the number 4.7 and replace it with 4.6. The variance should read as follows:
 - A minimum easterly rear yard depth of 4.6 m shall be provided instead of the minimum required 10.5 m; and
- 2. Variance # 4 should be deleted entirely as it has been written twice.
- 3. The notice should be altered to include in the notes the following:

No additional parking is required to be provided on site as the single-family dwelling is existing since 1997 and the total number of habitable rooms is less than 8. Therefore, the existing parking situation shall be maintained provided that the total number of habitable rooms does not exceed (8) rooms. The variance for no parking requested by the applicant is not required at this time.

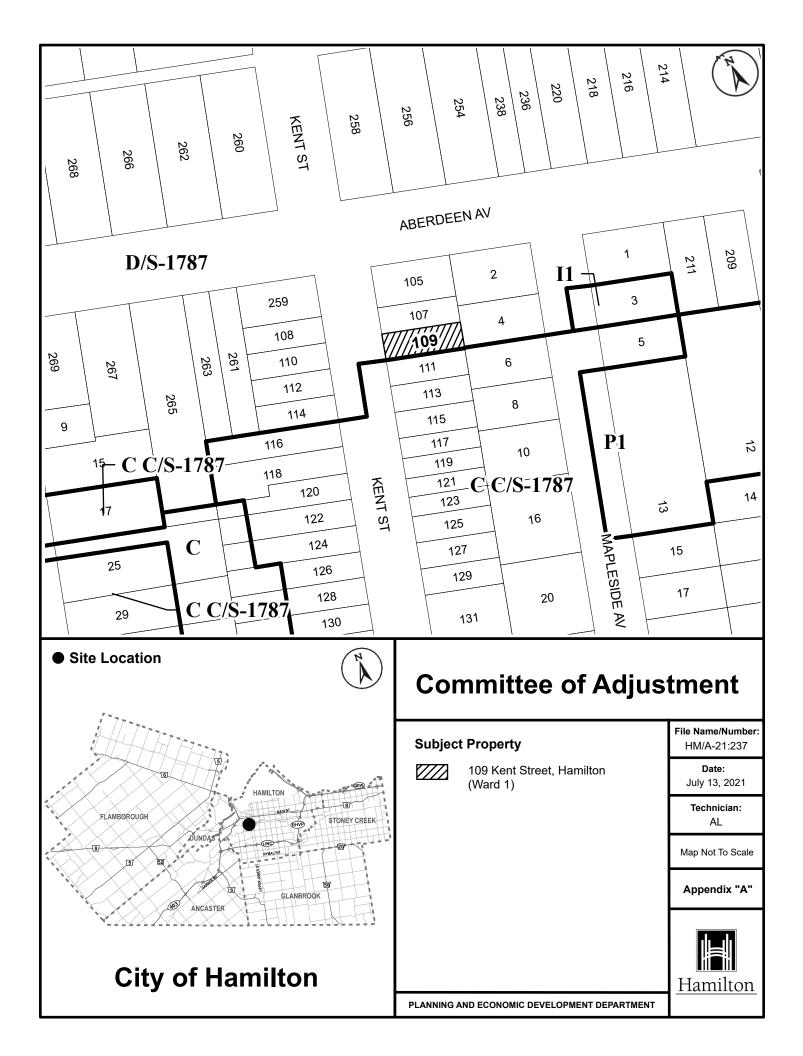
Variances have been written based on the information and drawings provided by the applicant.

4. Subject to the issuance of a building permit in the normal manner.

Development Engineering:

Provided that the existing drainage patterns are being maintained, Development Engineering Approvals have no comments/concerns with the proposed Minor Variance(s).

See attached for additional comments.



HM/A-21:219 – 30 Balsam Ave. S., Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

HM/A-21:219 – 30 Balsam Ave. S., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Urban</u>

The purpose of this application is to establish a Secondary Dwelling Unit within an existing single detached dwelling, notwithstanding the variances below.

Urban Hamilton Official Plan

The property is identified as "Neighbourhoods" in Schedule E– Urban Structure and is designated "Neighbourhoods" in Schedule E-1 – Urban Land Use Designations. Policies B.3.2.4.4, E.3.2.3, and E.3.4.3 amongst others, are applicable and permit single detached dwellings and secondary dwelling units.

Former City of Hamilton Zoning By-law No. 6593

The subject site is zoned "C" (Urban Protected Residential, etc.) District and permits a single family dwelling and secondary dwelling units in accordance with Section 19.

Variance 1

The applicant is requesting a variance to allow for the secondary dwelling unit to have a maximum of four bedrooms, notwithstanding the requirement that a secondary dwelling unit shall have a maximum of two bedrooms. The intent of the By-law is to ensure that the secondary dwelling unit remains subordinate to the primary dwelling.

Staff are of the opinion that the variance is not maintaining the general intent of the Bylaw as the proposed 4 bedrooms does not keep the secondary dwelling unit as a subordinate use of the single detached dwelling as only two bedrooms are shown within the primary dwelling. Staff are of the opinion that the variance is neither minor in nature nor desirable for the development as negative impacts may arise for the subject site and surrounding area.

Based on the foregoing, while the general intent of the Official Plan is being maintained, the general intent and purpose of the Zoning By-law is not being maintained, the variance is not desirable for the development nor minor in nature; therefore, **staff do not support the variance**.

Variance 2

The applicant is requesting a variance to allow the separate entrance and exit to the secondary dwelling unit be permitted to be oriented toward the front lot line as its

entrance/exit is from the front door, notwithstanding the requirement that any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the flankage lot line, interior side lot line or rear lot line. The intent of this provision is to ensure that the primary single detached dwelling has one main entrance and to keep a consistent low density residential streetscape.

Staff acknowledge that no exterior changes are being made to the existing dwelling and that there will only be one entrance/exit within the main façade of the structure, and one entrance/exit within the side yard. Staff are of the opinion that the By-law is being maintained as the appearance of the single detached dwelling will be maintained and the character will still be that of a low density residential dwelling. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Variance 3

The applicant is requesting a variance to allow a minimum of 15% of the gross area of the front yard to be used for a landscaped area, notwithstanding the requirement that not less than 50% of the gross area of the front yard be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials. The intent of this provision is to provide a consistent residential streetscape and to allow for adequate area to provide the necessary landscaped area for the subject lands.

The variance is to recognize an existing condition. The variance maintains the general intent of the Zoning By-law as sufficient landscaped area is being provided that is consistent with the surrounding streetscape and in keeping with the residential characteristic. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the development or surrounding area from the existing landscaped area remaining.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Variance 4

The applicant is requesting a variance to permit tandem parking, notwithstanding the requirement that sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located in such a manner as to enable each and every parking space to be unobstructed and freely and readily

accessible. The intent of this provision is to ensure that each vehicle can be used by the tenant at anytime needed.

Staff are of the opinion that the variance does not maintain the intent and purpose of the By-law as a vehicle may be obstructed and not able to be freely and readily accessible. Staff are of the opinion that the variance is neither desirable for the development nor minor in nature as negative impacts are anticipated for the subject site.

Based on the foregoing, while the general intent of the Official Plan is being maintained, the general intent and purpose of the Zoning By-law is not being maintained, the variance is not desirable for the development nor minor in nature; therefore, **staff do not support the variance**.

Recommendation:

Based on the preceding information, variances 2 and 3 maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning Bylaw No. 6593. The variances are minor in nature and desirable for the appropriate use of the property.

Variances 1 and 4 do maintain the general intent and purpose of the Urban Hamilton Official Plan, however the variances do not maintain the general intent and purpose of the By-law, are neither minor in nature or desirable for the appropriate use of the property.

In conclusion, Staff recommends that the application be **denied**.

Building Division:

- 1. The Secondary Dwelling Unit is the smaller unit which is located on the 2nd floor and attic and the Single Family Dwelling is the larger unit which is located on the 1st floor and basement/cellar.
- 2. A building permit is required for conversion to establish a secondary dwelling unit.
- 3. The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units.
- 4. Be advised that Ontario Building Code regulations may require specific setback and construction types.
- 5. Approvals through a City of Hamilton Planning process do not confirm or establish conformity with the Ontario Building Code (OBC). It is the owner/applicant's responsibility to ensure compliance with the Ontario Building Code for the proposed Secondary Dwelling Unit.

In addition to other areas, the OBC compliance may include: Fire Department Access, type of construction permitted, maximum area(s) of permitted glazed openings, and distance separation requirements to the property lines for the Secondary Dwelling Unit as well at the principle dwelling on the property. Additional requirements around water and sewer servicing requirements shall also be taken into consideration and must comply with the Ontario Building Code and City of Hamilton municipal standards. Note, water and sewer services may be permitted to be connected through the existing dwelling on the property however this may require additional upgrades to the existing water and or sewer services which could impose additional costs to the owner.

Any proposed construction is also subject to the issuance of building permits in the normal manner and possibly approvals from Growth Management and/or Public Works.

Development Engineering:

Development Engineering Approvals have no comments regarding the Minor Variance Application as proposed.

See attached for additional comments.

From: CP Proximity-Ontario <CP_Proximity-Ontario@cpr.ca>

Sent: July 7, 2021 1:57 PM **To:** Committee of Adjustment

Subject: RE: Application HM/A-21:219; 30 Balsam Ave S., Hamilton

Good Afternoon,

RE: Application HM/A-21:219; 30 Balsam Ave S., Hamilton within 500m CP Rail line

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company.

CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. Those guidelines are found at the following website address:

http://www.proximityissues.ca/

The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change.

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

Thank you,

CP Proximity Ontario



CP Proximity Ontario
CP_Proximity-Ontario@cpr.ca
7550 Ogden Dale Road SE, Building 1
Calgary AB T2C 4X9

From: Committee of Adjustment < CofA@hamilton.ca>

Sent: July 7, 2021 7:45 AM

To: Costa, Samantha <Samantha.Costa@hamilton.ca> Subject: July 22nd 2021 COA Agenda Available!

This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

Good Morning,

Attached is a copy of the Agenda for the <u>July 22nd 2021</u> hearing date, please follow the link below for a copy of the package.

** Please be advised final comments are due by <u>noon, July 16th,</u> if not received, you will be required to attend the virtual hearing, <u>late comments will not be accepted.</u>

Please send comments to: cofa@hamilton.ca

If you would like to "attend" the virtual hearing, you must register by noon the day before the hearing; cofa@hamilton.ca

The full package with the Public Notices, all sketches and the application forms are available at the following location:

https://www.hamilton.ca/council-committee/council-committee-meetings/committee-adjustment

Please note the decisions will also be posted via the link above on: July 29th

This is the material that is sent to the area residents and is available to everyone; you can forward this information to anyone. You can also direct all inquiries to the Committee of Adjustment office; cofa@hamilton.ca

NOTE: Any written comments from City Departments or agencies are solicited and should be prepared in a timely fashion and received in the office of the Committee of Adjustment, Attn: Jamila Sheffield no later than FOUR working days in advance of the scheduled hearing. Comments received after this date may not be provided to the Committee of Adjustment in the comment package. If you are unable to meet this time frame you should be prepared to attend the hearing to provide your comments or concerns.

Please Note that if your Department or Division has a concern or condition that is important, you should plan on attending. This will enable you to answer questions as to why the concern or condition is required and defend your

position. The Committee of Adjustment is unable to and will not justify or defend your concern or condition as that is your responsibility.

Thank you,

Samantha Costa

Development Clerk - Committee of Adjustment Planning and Economic Development City Hall – 5th Floor 905-546-2424 ext. 4221 samantha.costa@hamilton.ca



The City of Hamilton encourages physical distancing, wearing a mask in an enclosed public space, and increased handwashing. Learn more about the City's response to COVID-19 www.hamilton.ca/coronavirus.

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NOTICE OF OPPOSITION TO MINOR VARIANCE REQUEST

Appl No: HM/A21:219 Applicants: Agent Len Angelici, Owner Avan Milinkovic Subject Property: 30 Balsam Ave S., Hamilton, ON

Zoning By-law 6593, as Amended 21-076 Zoning 'C' (Urban Protected Residential, etc.) district Proposal: To establish a Secondary Dwelling Unit within an existing Single Family Dwelling

repectfully denied based on, but not limited to, the following grounds; Integrity of the neighbourhood, Single family owned homes, Strained street We, the undersigned, property owners and residents of Balsam Ave S, Hamilton, do hereby request that the pending minor variance requests be parking, Aging infrastructure on street, Increased traffic, Pedestrian & child safety concerns, Environmental concerns removing green space Variance request is for a Duplex, but four Hydro meters have been recently installed

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NAME	Uracy WEBS	Paul Perrault	GAWIN HOET	SYAWA COUNTER	Julian Farmer	Matthew McGnepor	Hone-to Mortell	Hubana Bechles	Penta Badke	HETER SUCKERA	I conita aquallara	ANNMARIE THENER	MICHARY TORNIER	Kaven Mon, Gurman 31 Bolson Ave S	save & 3 du lo Muttes	MARIANNELL NATIONS	Sola	Rige Molelland	JOHN PATARACHA 40 BASAM AVES	CRISTO GRAD KERAVICA

From: Frank Matozzo <francomatozzo@icloud.com>

Sent: July 15, 2021 6:56 AM

To: Committee of Adjustment; Giulietti, Daniela; Nann, Nrinder; Office of the Mayor;

Partridge, Judi; Ward 8 Office; Whitehead, Terry; Johnson, Brenda; Jackson, Tom; Farr, Jason; Merulla, Sam; Collins, Chad; Pauls, Esther; Clark, Brad; Pearson, Maria; Ferguson,

Lloyd; VanderBeek, Arlene

Cc: cgurman@bell.net; ghoey@rachisholm.com; Cristina Giavedoni; turneram72

@gmail.com

Subject: Committee of Adjustment meeting - comments (Application No. HM/A-21:219)

Attachments: Petition to Oppose Variance.pdf; ATT00001.htm

On behalf of the Balsam Ave South Residence Group, we would like to respond to the "minor variance application":

Application No. HM/A-21:219

Establish a secondary dwelling unit within a single existing single-family dwelling

Please note, that we the "Balsam Ave South Residence Group" formally opposes the application for a minor variance to 30 Balsam Ave South. A neighborhood signed petition opposing this application for a minor variance is attached as well as legal counsel engaged to pursue all measures available to reject this application.

First and foremost, the families of our neighbourhood purchased our homes for the goals of:

- 1. Single family dwellings
- 2. Security
- 3. Safety
- 4. Community

We find it frustrating, disturbing, and unacceptable when a "out of town investor" buys a home in our community for the sole purpose of violating the "signal family dwelling" standards – bylaws and putting our goals at risk to better his financial position.

Secondly, we find your correspondence on this matter somewhat confusing:

The application states "establishing a secondary dwelling unit" - the plans show a 4-unit dwelling?

We also understand that there have been no permits Issued to this location (as confirmed by the city of Hamilton), yet the property has already been fully upgraded to support this 4-unit requirement.

Can you advise how this is allowed to proceed without approval?

Note: the investor has been advising residents that he has obtained all the permits !!!

Lastly please accept this notification as our "Balsam Ave South Residence Group" formal notice that we will be attending committee of adjustment meeting Thursday July 22, 2021 (3:15 pm) to object – reject this application.

Frank Matozzo <francomatozzo@icloud.com>

Sent: July 20, 2021 9:59 AM

To: Committee of Adjustment; Giulietti, Daniela; Nann, Nrinder; Office of the Mayor;

Partridge, Judi; Ward 8 Office; Whitehead, Terry; Johnson, Brenda; Jackson, Tom; Farr, Jason; Merulla, Sam; Collins, Chad; Pauls, Esther; Clark, Brad; Pearson, Maria; Ferguson,

Lloyd; VanderBeek, Arlene

Cc: cqurman@bell.net; qhoey@rachisholm.com; Cristina Giavedoni; turneram72

@gmail.com

Subject: Committee of Adjustment meeting - comments (Application No. HM/A-21:219)

Attachments: 024d3f44-9a63-4b25-a25f-1d3573621d7f.jpg; ATT00001.htm; e0bd38e4-

b89f-4623-978e-0e63c1d06887.jpg; ATT00002.htm; af574dd7-b23e-4fe0-ad30-88de9cbaf654.jpg; ATT00003.htm; Petition to Oppose Variance.pdf;

ATT00004.htm

I would like to register as follows as well as submit the information below

1. File number:

Committee of Adjustment Application No. HM/A-21:219)

2. Hearing date:

Thursday July 22, 2021

3:15 pm

3. Frank Matozzo

22 Balsam Ave south

- 4. I will be connecting by phone and the number will be 905 651 9884
- 6. Below are comments submitted for this application ... please note I have added additional information

On behalf of the Balsam Ave South Residence Group, we would like to respond to the "minor variance application":

Application No. HM/A-21:219

Establish a secondary dwelling unit within a single existing single-family dwelling

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We also understand that there have been no permits Issued to this location (as confirmed by the city of Hamilton), yet the property has already been fully upgraded to support this 4-unit requirement.

Can you advise how this is allowed to proceed without approval?

Note: the investor has been advising residents that he has obtained all the permits !!!

Our further objections to this application:

1. Erodes the aesthetic of the streetscape"

- parking pads in front of other homes on the street

2. Additional four (4) parking spots on the street in front

of 30 Balsam would impede parking for

building at

corner of Balsam and King and visiting guests

4.Breach of trust when existing zoning bylaws are diminished" - homes were

purchased because they are all singlefamily homes

5. Destabilizes the character of the

neighbourhood" - ie: rental units with no pride of ownership from

neighbouring apartment

absentee

landlord

6. This notice was dated July 6, 2021 meeting is July 22nd: should there not be at least 30 days from notice to meeting?

7. Sewage and aging infrastructure on the street - will adding 4 units

be a burden

o the system?

Lastly please accept this notification as our "Balsam Ave South Residence Group" formal notice

that we will be attending committee of adjustment meeting Thursday July 22, 2021 (3:15 pm) to object – reject this application.

7. Photos to confirm 4 unit dwelling:

From:

To:

Committee of Adjustment; Giulietti, Daniela; Nann, Nrinder; Office of the Mayor; Partridge, Judi; Ward 8 Office; Whitehead, Terny; Johnson, Brenda; Jackson, Tom; Farr, Jason; Merulla, Sam; Collins, Chad; Pauls, Esther; Clark, Brad; Pearson, Maria; Ferguson, Lloyd; VanderBeek, Arlene

cqurman@bell.net; ghoey@rachisholm.com; Cristina Giavedoni; turneram72@gmail.com Cc: Subject: Re: Committee of Adjustment meeting - comments (Application No. HM/A-21:219)

July 15, 2021 6:37:38 PM Date:

Following up with additional pictures to further reflect serious concerns with this owner and this application. As you can see from the pictures there are major discrepancy's in this application...







Frank Matozzo

On Jul 15, 2021, at 6:55 AM, Frank Matozzo <francomatozzo@icloud.com> wrote:

On behalf of the Balsam Ave South Residence Group, we would like to respond to the "minor variance application":

Application No. HM/A-21:219

Establish a secondary dwelling unit within a single existing single-family dwelling

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Can you advise how this is allowed to proceed without approval?

Note: the investor has been advising residents that he has obtained all the permits !!!

Lastly please accept this notification as our "Balsam Ave South Residence Group" formal notice

that we will be attending committee of adjustment meeting Thursday July 22, 2021 (3:15 pm) to object – reject this application.

<Petition to Oppose Variance.pdf>

Frank Matozzo

From: Susan Nethersole <sunethersole@yahoo.ca>

Sent: July 20, 2021 10:01 AM **To:** Committee of Adjustment

Subject: Committee of Adjustments Comments: Application No. HM/A-21:219

Angelici/Milinkovic

I submit the following comments:

I am situated in a single-family residence across the street from 30 Balsam Ave S. Hamilton. I am opposed to the minor variance requested for the following reasons:

- the majority of homes are occupied as single-family residences, several with young children or elderly women, there is a sense of safety that has been cultivated over many years/decades. Introducing a multi-family rental use residence can disrupt that sense of safety, an important factor in a city neighbourhood.
- there is a perception that property values will decrease due to the irregular look and use the proposed variance will effect; namely decreasing the minimum required landscaped area from 50% to 15%. Neighbours take pride in their landscaping, some even receive letters of appreciation from the City of Hamilton. Curb appeal will decline, affecting the value of surrounding properties

Use of the property, with the proposed variance would create an unwelcome type of neighbour, a typically short-term tenant. with a yearly turnover rate. Many times this can increase damage to properties in the vicinity, noise and disturbance complaints, as well as parking contraventions. Developing community ties is often not a priority for this type of tenant and is in direct contrast to the type of community that exists on the street currently. Our neighbourhood matters to all of us as is evidenced by the petition most have signed against the proposed variance.

Susan Nethersole

From: Susan Nethersole <sunethersole@yahoo.ca>

Sent: July 20, 2021 10:22 AM **To:** Committee of Adjustment

Subject: Re: Committee of Adjustments Comments: Application No. HM/A-21:219

Angelici/Milinkovic

Hello Aman,

My address is 27 Balsam Ave. South

On Tuesday, July 20, 2021, 10:02:30 a.m. EDT, Committee of Adjustment <cofa@hamilton.ca> wrote:

Hello Susan.

Thank you for submitting your comments and concerns. Can you please provide me with your property address for our records? I will not be able to include your comments without this information.

Please note that all comments and other supporting information are <u>due today before 12 p.m.</u> as noted in the participation procedure circulated to you.

Thank you,

Aman Hansra

Planning Technician II - Committee of Adjustment

Planning and Economic Development

Hamilton City Hall – 5th Floor

905-546-2424 ext. 3935

aman.hansra@hamilton.ca



The City of Hamilton encourages physical distancing, wearing a mask in an enclosed public space, and increased handwashing. Learn more about the City's response to COVID-19 www.hamilton.ca/coronavirus.

From: Cristina Giavedoni <isaidsew@hotmail.com>

Sent: July 20, 2021 9:40 AM **To:** Committee of Adjustment

Cc: Nann, Nrinder; Office of the Mayor

Subject: Notice of Variance Hearing HM/A-21:219 30 Balsam South, Hamilton

My husband and I purchased our home on this lovely block 25 years ago. We chose to live here for several reasons, primarily because all of the homes are single-family dwellings and it was evident that there is pride of ownership on this street. We have several neighbours who have lived here for over 50 years and we have recently welcomed new families with young children who invested here with the same intention. A beautiful neighbourhood to raise a family.

The new owner of 30 Balsam South does not live in Hamilton and has no connection to our community. By-laws are enacted to protect residents. Allowing a variance for a duplex to exist on this property will diminish all aspects of our neighbourhood and our investment and is a breach of trust when existing bylaws are diminished.

We have several concerns regarding variance requests:

Variance states the residence will be a duplex; however, 4 Hydro meters have been installed on the side of the house - WHY?

What will stop this property from becoming a quad-plex in the near future?

The owner is requesting that all of the green space (grass) at the front of the home be removed in order to add tandem parking spots (Variance 3). This home has the largest concrete driveway on the block with parking for 5 cars. There is available parking on the street in front of the house. Why is more parking necessary? Each and every home on the block is landscaped. Several home-owners have spent thousands of dollars on beautifying their front yards and replanting trees to replace the ones we have lost. Removing the grass at this residence would turn this home into a parking lot and would not be in keeping with the aesthetic of our street. No-one has removed greenspace to add parking on this block.

Will the owner be installing a fire escape? Where will that be located?

Who will responsible for the outdoor maintenance of this property: snow removed in a timely manner, excessive garbage from multiple dwellings etc. The homeowner lives out of town and will not be readily available if and when issues should arise.

It should also be noted that renovation work has been extensive and ongoing at 30 Balsam South, starting as soon as the property changed ownership. Several calls were made to the city and we were told that no permits have been issued for this property. We were assured that a building inspector would be sent out in 10 working days - passed the date of the hearing. Has anyone been sent? The timeline on this process seems rushed from the date the variance was issued (July 6th and then mailed) and notice of hearing- July 22nd? Is this in keeping with the city guidelines? This process seems rushed.

We hope that our concerns will be addressed and these issues will be resolved in the best interests of our neighbourhood and its residents.

Thank You

Cris Giavedoni Obrad Keravica 26 Balsam South

From: Karen Gurman <karengurman@icloud.com>

Sent:July 19, 2021 9:18 PMTo:Committee of AdjustmentSubject:30 balsam ave south variance

Good evening, we are writing to oppose the variance at 30 Balsam Ave south as a neighbourhood member

I have grown up in this immediate neighbourhood and purchased a home on Balsam as a single family dwelling knowing that single family homes were in the immediate vicinity. I believed that this was a great place to raise a family as there was a mix of young families entering into the neighbourhood as well as people living in the neighbourhood for a great deal of time. I loved the character of the older homes, the large properties and tree lined streets. People that believed in community and took care of their properties and their neighbours.

We are opposed to the variance for the following reasons

First zoning requires that the property have 50% landscaped frontage, If the variance is allowed the front of the property will be concrete parking, this neighbourhood needs more trees, not more concrete. This will not only be an eyesore but will likely remove one parking spot from the street that already suffers for parking as there are currently thee apartment buildings in the immediate vicinity which do not have ample parking. Although thugs people live just outside the 60 meter radius of the applicant I am sure they appreciate the fact that there is at least one possible spot available for half a month.

As a member of the community I see that there are older people in the larger homes on our street that will likely move in the near future. If each of these homes is sold to an investor who splits them into duplexes / triplexes there will be no on street parking if the investor applies for the same variance. There will be concrete on each and every frontage lessening the community as a whole.

We are discouraged that although this states a duplex and drawings state such that four hydro meters have been installed on the north side of the house, we are concerned that this may lead to the illegal use of this house as more then a duplex (possibly rooming house, student rental or quadplex).

We believe in community and the opportunity for the neighbourhood to be engaged with each other, looking out for the safety of others on the street (children playing etc.) The nature of splitting up a single family home for proceeds and changing the fabric of the community as well as the character of the homes and their yards should not be allowed simply because something is deemed minor, as it is not minor to those that have chose to raise their families in this neighbourhood

Thank you

Mr and Mrs Gurman

31 Balsam ave s.

Hamilton Ontario

From: Kwbana Beckles < kwbanabeckles00@gmail.com>

Sent: July 19, 2021 9:21 AM **To:** Committee of Adjustment

Cc: Annette Morley2

Subject: Attn: Committee of Adjustment - 30 Balsam ave south, Hamilton

To the members of the Committee of Adjustment of the City of Hamilton,

I am writing to ask that the application for a secondary dwelling unit at 30 Balsam ave south within a single dwelling home be denied.

Balsam ave south is a street filled with families who pride themselves on community, safety and family. Each household in our little community takes care of one another. We host barbecues and garage sales. We look out for one another, plough one another's snow, get one another's mail and take in one another's trash bins. We also take care of our homes and work to keep our community looking clean and ensure that it is a happy and safe place to live for the multitude of families who live here.

The family who purchased the home purchased it with the sole intention of financial gain to further their own interests, spend money and advance their own well being in a different city. They are not from Hamilton, rather they live in Oakville. When asked, they, on a number of occasions, expressed that they absolutely would not be living *here*.

This is not the type of owner who we believe has the best interest of our community, families and children at heart.

They have started work already on the property and have been conducting work since they took possession. Furthermore, there are 4 hydro meters on the side of the house which indicate that **while** they are applying for an additional dwelling unit, this may also be duplicitous in the interest of even further profits from additional illegal dwellings which our neighbourhood intends to be vigilant in opposing on a continual basis using every resource at our disposal.

We ask that this home remain a single dwelling home and that the integrity of our community, the safety and spirit of community we have built here in Hamilton centre be upheld.

Thank you for your time and consideration.

The Beckles Family

From: Sent: To: Subject:	Kwbana Beckles <kwbanabeckles00@gmail.com> July 19, 2021 2:02 PM Committee of Adjustment Re: Attn: Committee of Adjustment - 30 Balsam ave south, Hamilton</kwbanabeckles00@gmail.com>
Hello,	
We are located at the follo	wing address:
35 Balsam Ave South Hamilton, ON L8M3A9	
Thank you,	
Kwbana Beckles	
On Mon, Jul 19, 2021 at 12	:41 PM Committee of Adjustment < <u>CofA@hamilton.ca</u> > wrote:
Hello Kwbana,	
subject line. Can you pleas comments without this in	ting information are due Tuesday, July 20th before 12 p.m. as noted in the participation
Thank you,	
Aman Hansra (she/her)	
Planning Technician II	- Committee of Adjustment
Planning and Econom	nic Development
Hamilton City Hall – 5 th	Floor
905-546-2424 ext. 3935	
aman.hansra@hamilto	<u>on.ca</u>

From: Cristina Giavedoni <isaidsew@hotmail.com>

Sent: July 20, 2021 10:43 AM **To:** Committee of Adjustment

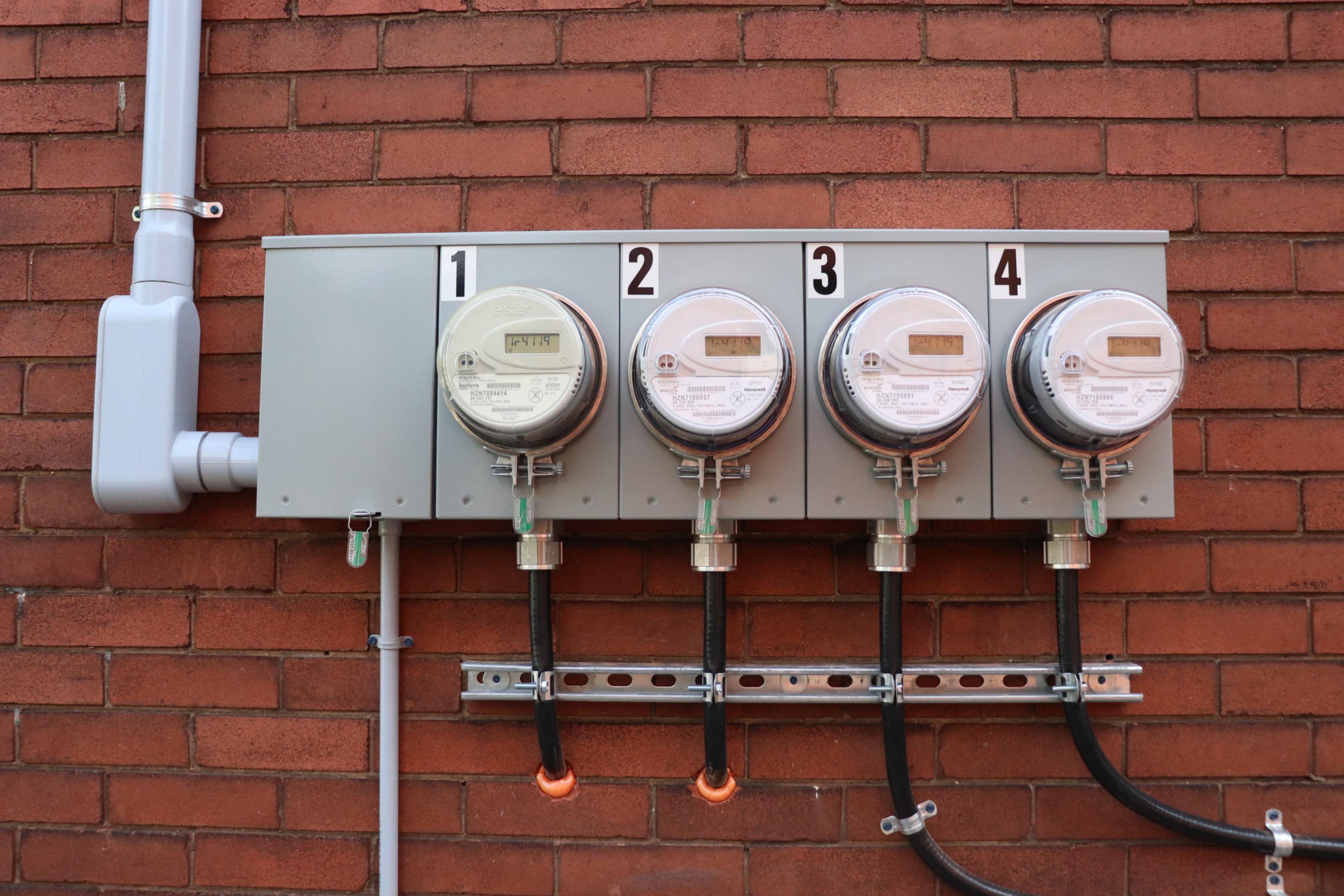
Subject: RE: Application No: HM/A-21:219 30 Balsam South

Attachments: 20210715160010_IMG_7305.JPG; 20210715160028_IMG_7306.JPG; 20210715155856

_IMG_7303.JPG; 20210715160206_IMG_7310.JPG; 20210715160220_IMG_7311.JPG

Please attach these photos to our file opposing variance requests.

Thank You Cris Giavedoni 30 Balsam South











From: Matthew McGregor <mmcgre03@gmail.com>

Sent:July 14, 2021 1:14 PMTo:Committee of AdjustmentSubject:Application # HM/A-21:219Attachments:20210714_092231.jpg

Hello,

I am writing in regards to application # HM/A-21:219

There has been a community petition to stop these renovations from taking place. In addition to that, I need to voice my disapproval of the permit that the owner of 30 Balsam Ave South is seeking on the following grounds:

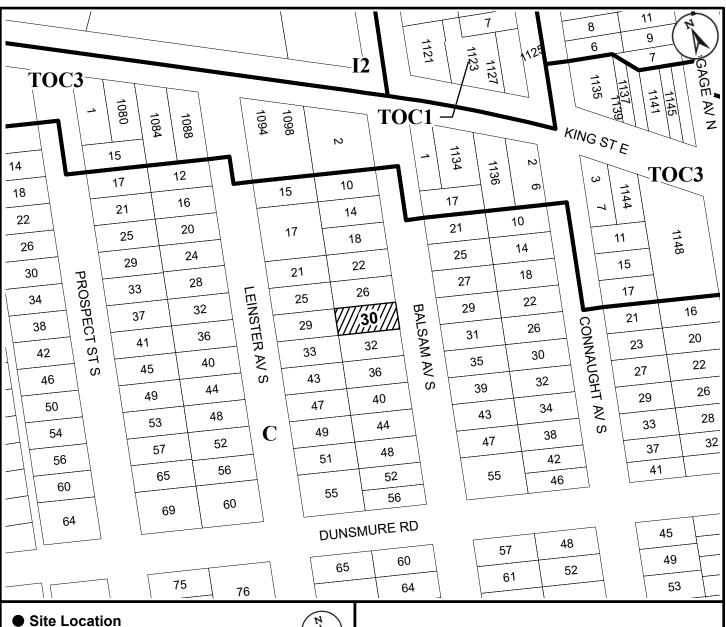
- 1) On July 14, 2021, I called in to the city to verify if any permits have been approved. No permits have been approved by the city, despite the renovations already taking place. I have made a complaint with the city. Therefore the owner of 30 Balsam Ave South appears to already be in violation of doing the desired renovations without a permit.
- 2) There are already 4 utility metres outside of 30 Balsam Ave South (picture attached to this email). The notice that I received from the city states that the owner of 30 Balsam Ave South is seeking approval from the city to have a second dwelling located inside the single family home, when in fact he is seeking to have 4 apartments inside the home. This is due to the fact that there are already 4 utility metres outside of the home. The owner of 30 Balsam Ave South appears to be lying to city on the permit application with how many dwellings he is looked to have inside the single family home.
- 3) The owner of 30 Balsam Ave South is looking to have the grass removed and have additional parking on what would have been the front lawn of the house. I am concerned that this will take away from the character of the neighbourhood. Street parking is also not possible as street parking in the neighbourhood is extremely limited.
- 4) I am concerned with the removal of greenspace in the area to accommodate parking. This is an environmental concern.
- 5) I am concerned with the increased traffic in the area for the safety of children in the neighbourhood.

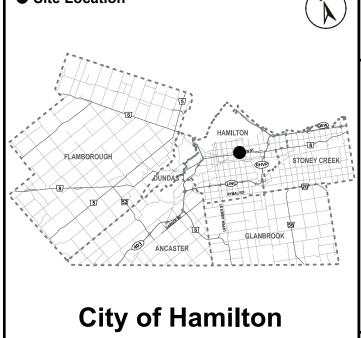
I am respectfully asking the city to deny the minor variance for 30 Balsam Ave South.



www.hamilton.ca/coronavirus.

From:	Matthew McGregor <mmcgre03@gmail.com></mmcgre03@gmail.com>
Sent: To:	July 14, 2021 8:55 PM
Subject:	Committee of Adjustment Re: Application # HM/A-21:219
Attachments:	image001.png
Yes, I apologize, I thought I	included that in the bottom of the email.
Matthew McGregor	
25 Balsam Ave South	
Ph: 416-606-6873	
On Wed., Jul. 14, 2021, 13:	52 Committee of Adjustment, < <u>CofA@hamilton.ca</u> > wrote:
Good afternoon Matthew	
Thank you for sending in v	our concerns. Can you please provide me with your property address for our records?
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
Kindest regards,	
Aman Hansra (she/her)	
Planning Technician II	- Committee of Adjustment
Planning and Econom	ic Development
Hamilton City Hall – 5 th	Floor
905-546-2424 ext. 3935	
aman.hansra@hamilto	on.ca
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The City of Hamilton e	ncourages physical distancing, wearing a mask in an enclosed public space,
	rashing. Learn more about the City's response to COVID-19





Committee of Adjustment

Subject Property

30 Balsam Avenue South, Hamilton (Ward 3)

File Name/Number: HM/A-21:219

> **Date:** July 13, 2021

Technician: AL

Map Not To Scale

Appendix "A"



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-21:222 – 111 Gibson Ave. Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

HM/A-21:222 – 111 Gibson Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Urban</u>

The purpose of this application is to permit the conversion of the existing single detached dwelling to contain one secondary dwelling unit, notwithstanding the variances below.

Urban Hamilton Official Plan

The property is identified as "Neighbourhoods" in Schedule E– Urban Structure and is designated "Neighbourhoods" in Schedule E-1 – Urban Land Use Designations. Policies B.3.2.4.4, E.3.2.3, and E.3.4.3 amongst others, are applicable and permit single detached dwellings and secondary dwelling units.

Former City of Hamilton Zoning By-law No. 6593

The subject site is zoned "D" Urban Protected Residential – One and Two Family Dwellings, etc.) District and permits a single detached dwelling and secondary dwelling units in accordance with Section 19.

Variance 1

The applicant is requesting a variance to allow for the secondary dwelling unit to have a maximum of three bedrooms, notwithstanding the requirement that a secondary dwelling unit shall have a maximum of two bedrooms. The intent of the By-law is to ensure that the secondary dwelling unit remains subordinate to the primary dwelling.

Staff are of the opinion that the variance is not maintaining the general intent of the Bylaw as the proposed three bedrooms does not keep the secondary dwelling unit as a subordinate use of the single detached dwelling as only two bedrooms are shown within the primary dwelling. Staff are of the opinion that the variance is neither minor in nature nor desirable for the development as negative impacts may arise for the subject site and surrounding area.

Based on the foregoing, while the general intent of the Official Plan is being maintained, the general intent and purpose of the Zoning By-law is not being maintained, the variance is not desirable for the development nor minor in nature; therefore, **staff do not support the variance**.

Variance 2

The applicant is requesting a variance to allow a minimum parking space size of 2.7 metres wide by 5.93 metres long shall be provided for one parking space, and a minimum parking space size of 2.69 metres wide by 5.99 metres long shall be provided for another one parking space, notwithstanding the minimum required parking space size of 2.7 metres wide by 6.0 metres long. The intent of this provision is to ensure adequate space for a vehicle of a variety of sizes to park is being provided and that adequate space for users to enter and exit the vehicles.

Staff are of the opinion that the variances maintain the general intent and purpose of the By-law as the provided parking space dimensions will be adequate for vehicles to park and for users to enter and exit. Staff are of the opinion that the variance is minor in nature and desirable for the development as no negative impacts are anticipated for the subject site or surrounding area.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Variance 3

The applicant is requesting a variance to allow for a bay window to be permitted to project a maximum of 1.2 metres into the required northerly side yard and may be as close as 0 metres to the northerly lot line, notwithstanding the maximum permitted projection of 0.4 metres. The intent of this by-law is to ensure the windows do not encroach an unnecessary amount into the side yard and to keep a consistent residential building envelope and character.

The variance recognizes an existing condition. The variance maintains the general intent of the Zoning By-law as the window will not encroach an unnecessary amount into a side yard and is in keeping with the residential characteristic. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the development or surrounding area from the existing landscaped area remaining.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Recommendation:

Based on the preceding information, variances 2 and 3 maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning By-

law No. 6593. The variances are minor in nature and desirable for the appropriate use of the property.

Furthermore, variances 1 does not maintain the general intent and purpose of the By-law, is neither minor in nature nor desirable for the appropriate use of the property.

In conclusion, Staff recommends that the application be **denied**.

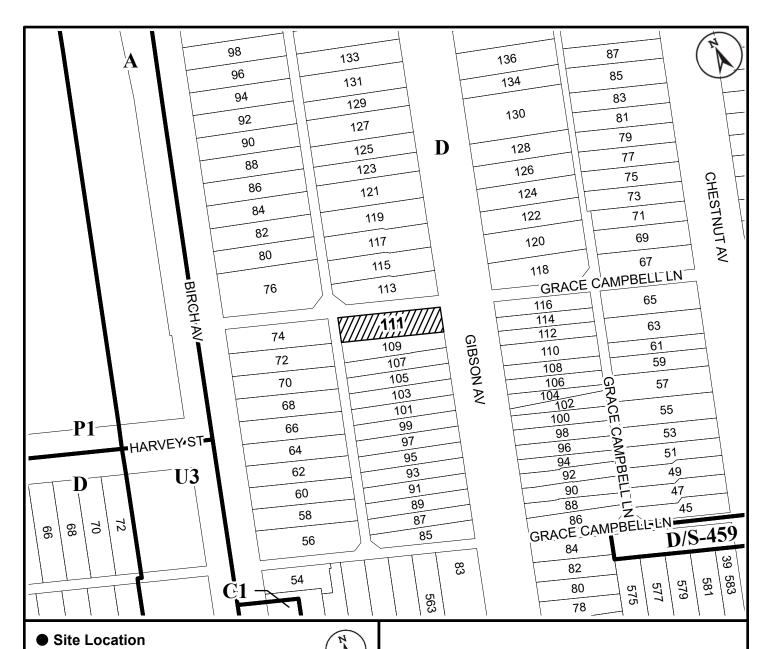
Building Division:

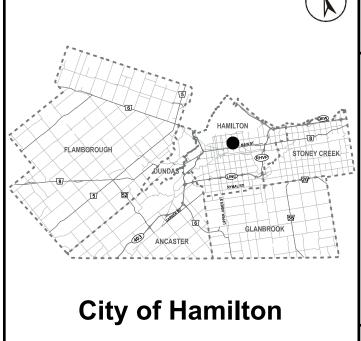
- Please note that this application is subsequent to minor variance application HM/A-19:82, for the conversion of the existing dwelling to a two family dwelling, that was granted with conditions. Please note that By-law No. 21-076, to amend Hamilton Zoning By-law No. 6593, respecting secondary dwelling unit regulations, is now in full force and effect; therefore, this application has been reviewed under the current in-force regulations.
- 2. Please note that Variance No. 3, as it relates to Section 18(3)(vi)(cc) and the projection of a bay window into the northerly side yard has been written as requested by the applicant. As per the email dated May 11th, 2021, the applicant has advised that no changes to the exterior of the existing dwelling have been proposed; therefore, the existing site/building conditions appear to be legal non-complying. Should changes to the exterior of the dwelling be proposed, resulting in an increase in the height, area or volume of the building or structure, further variances may be required.
- 3. The applicant shall ensure that the appropriate access/maintenance agreements are registered on title if the bay window and eaves and gutters encroach onto the adjacent property.
- 4. A building permit is required for the conversion of the existing single family dwelling to contain one (1) Secondary Dwelling Unit. Be advised that Ontario Building Code regulations may require specific setback and construction types.
- 5. An Order to Comply is outstanding. It is in regard to interior and exterior alterations to the entire building without the benefit of a building permit.

Development Engineering:

Development Engineering Approvals **does not support minor variance number 3**. The bay window is an obstruction / hazard to vehicles as it reduces the overall alleyway width creating a "bottle neck". There should be **no obstructions within the City alleyway**.

See attached for additional comments.





Committee of Adjustment

Subject Property

111 Gibson Avenue, Hamilton (Ward 3)

File Name/Number: HM/A-21:222

> **Date:** July 13, 2021

Technician: AL

Map Not To Scale

Appendix "A"



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-21:227 – 62 Beechwood Ave., Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

HM/A-21:227 – 62 Beechwood Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Urban</u>

The purpose of this application is to permit the construction of a new single detached dwelling upon demolition of the existing single detached dwelling, notwithstanding the variances below.

Urban Hamilton Official Plan

The property is identified as "Neighbourhoods" in Schedule E– Urban Structure and is designated "Neighbourhoods" in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

Cultural Heritage:

The subject property is located within the Stipley Established Historical Neighbourhood. Accordingly, Sections B.3.4.3.6 and B.3.4.3.7 of the Urban Hamilton Official Plan, Volume 1, apply.

The proponent proposes to construct a new single-family dwelling upon the demolition of the existing single-family dwelling. The circa 1915 wooden dwelling previously on the site has been demolished to facilitate this work.

Where new construction is proposed in an Established Historic Neighbourhood, key considerations are the visual and physical impacts on landscape features, typically public views of the building fabric, building set-back, the streetscape and significant vistas.

Staff strongly encourage the use of compatible materials in he new construction to ensure the new dwelling will have minimal visual impact on the streetscape. Staff have no further comments on the application as circulated.

Former City of Hamilton Zoning By-law No. 6593

The subject site is zoned "C" (Urban Protected Residential etc.) District and permits a single family dwelling.

Variance 1

The applicant is requesting a variance to allow a minimum front yard of 2.1 metres notwithstanding the minimum 6.0 metre front yard depth requirement. The intent of this

provision is to allow adequate space for landscaped area and parking, to provide a consistent streetscape, and to allow for a proper building envelope for the site.

The general intent of the By-law is being met as the front yard is providing a consistent residential streetscape. Staff acknowledge that the existing character along Beechwood have houses with reduced front yard depths. Furthermore, staff are of the opinion that adequate space will still be provided in the front yard to accommodate adequate landscaped area. The variance is desirable for the development and minor in natures as no negative impact is anticipated for the subject or surrounding area.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law No. 6593 is being maintained, the variance is desirable for the development and minor in nature; therefore, **staff support the variance**.

Variance 2 and 3

The applicant is requesting a variance to allow for an easterly side yard width of 1.0 metres and a westerly side yard width of 0.2 metres to be provided, notwithstanding the minimum required side yard width of 1.2 metres. The intent of this provision is to allow for access and drainage and to provide for a proper building envelope and a consistent residential streetscape. Staff defer any drainage concerns to Development Engineering Approvals.

Staff are of the opinion that the variances maintain the general intent and purpose of the By-law as the proposed side yards are in keeping with the character of the neighbourhood. The existing character along Beechwood Avenue have similar side yard setbacks due to the age of the dwellings and neighbourhood. Staff are of the opinion the variances are minor in nature and appropriate for the development as no negative impacts are anticipated for the subject site or surrounding area.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law No. 6593 is being maintained, the variance is desirable for the development and minor in nature; therefore, **staff support the variance.**

Variance 4

The applicant is requesting a variance to allow the eaves and gutters to be permitted to encroach the entire width of the westerly side lot line, notwithstanding the maximum permitted encroachment of one half the width of the required side yard. The intent of this provision is to ensure all water management is provided within the subject site and does not encroach onto adjacent properties. Staff defers any drainage concerns to Development Engineering approvals.

The general intent of the Zoning By-law is being met as the variance will still allow the water management to be provided within the boundary of the subject site. The variance is desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, staff support the variance.

Variance 5

The applicant is requesting a variance to permit the proposed roofed over unenclosed front porch including stairs to provide a 0.0 metre setback from the front lot line, notwithstanding the minimum required 1.5 metres from the front line. The intent of the Bylaw is to provide a distance separation from the porch and street, and to provide a consistent residential streetscape.

Staff are of the opinion that the variances are maintaining the general intent of the Zoning By-law as the porch is consistent with the surrounding lots and is in keeping with the residential streetscape along Beechwood Avenue. Staff acknowledge there is approximately 1.5 metres of boulevard right of way from the edge of the property line to the sidewalk that aides into the distance separation from the porch to the street. The variances are desirable for the development and minor in nature as no negative impact is anticipated for the subject lands or surrounding area.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variances are desirable for the development and minor in nature; therefore, **staff support the variances**.

Variance 6

The applicant is requesting a variance to allow no parking to be provided for the single detached dwelling, notwithstanding the minimum of two parking spaces for a single detached dwelling containing not more than eight habitable rooms. The intent of this provision is to ensure adequate parking is being maintained on site.

Through staffs review it appears that this is to recognize an existing condition. Staff note that the subject site is approximately 170 metres south and 218 metres north of existing bus routes along Barton Street East and Cannon Street East which provide public transit options. Staff are of the opinion the general intent of the By-law is being maintained, the variance is minor in nature and desirable for the development as no negative impacts are anticipated for the subject site or surrounding area.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variances are desirable for the development and minor in nature; therefore, **staff support the variances**.

Recommendation:

Based on the preceding information, the variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning Bylaw No. 6593. The variances are minor in nature and desirable for the appropriate use of the property.

In conclusion, Staff recommends that the application be **approved**.

Building Division:

- 1. For the purpose of this application, the front lot line is deemed to be the northerly lot line.
- 2. This is a Lot of Record; as such, the variance requesting relief for a reduced lot area is not required.
- 3. The variances requested for relief from minimum required yards have been written as requested by the applicant as there are discrepancies between the drawing titled "Site Plan, Glass/Wall Ratio and Notes" and the drawing titled "Sketch Prepared for Minor Variance Application". The applicant shall ensure the requested variances are accurate.
- 4. The variances have been requested for the use of a single family dwelling only. A further zoning compliance review will be required should the use of the proposed dwelling other than a single family dwelling.
- 5. The applicant shall ensure the proposed building height has been provided in accordance with the definition of "Height" and "Grade" as defined within the Zoning By-law.
- 6. A further variance will be required should the eave and gutter encroach greater than one half of the width of the required easterly side yard.
- 7. A further variance will be required if a minimum of 50% of the gross area of the front yard is not provided as landscaped area when calculated in accordance with Section 18(14) of the Zoning By-law.
- 8. Construction of the proposed dwelling is subject to the issuance of a building permit from the Building Division. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

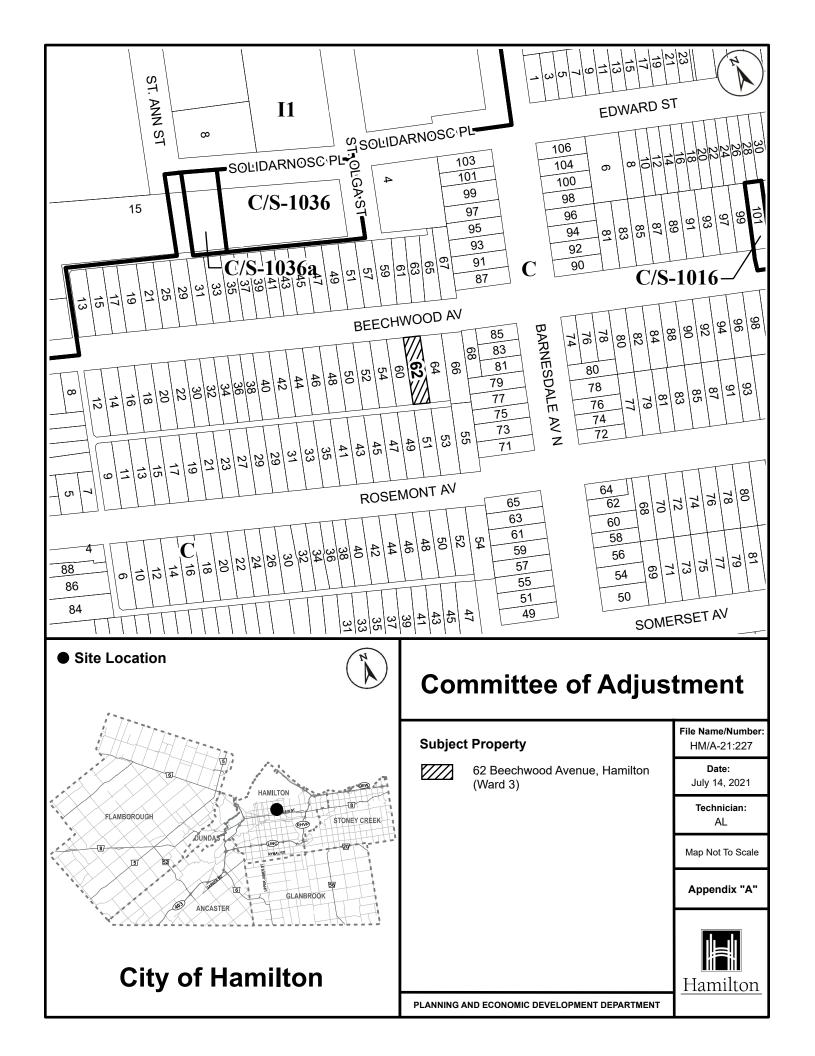
- 9. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2 metres in width.
- 10. The Ontario Building Code will regulate the type of construction permitted as the limiting distance is less than 0.6 metres,
- 11. Demolition of the existing dwelling is subject to the issuance of a demolition permit from the Building Division.

Development Engineering:

The proposed development consists of demolishing the existing single family dwelling and construction a new single family dwelling. The new dwelling must abide to the City Lot Grading Policy and provide a minimum side yard set back of 0.9m for the purpose of a typical side yard swale to protect the neighboring lands from any adverse impacts. As such, Development Engineering Approvals recommends **denial of minor variance number 3.**

For the information of the Owner, all roof downspouts must drain onto the subject property and not directed to any of the neighboring lands.

See attached for additional comments.



HM/A-21:240 – 43-47 Emerald St. N., Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

HM/A-21:240 – 43-47 Emerald St. N., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Urban</u>

The purpose of this application is to permit the creation of two lots through land severance application HM/B-21:14, notwithstanding the variances below. The two lots were inadvertently merged on title.

Urban Hamilton Official Plan

The property is identified as "Neighbourhoods" in Schedule E– Urban Structure and is designated "Neighbourhoods" in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

Former City of Hamilton Zoning By-law No. 6593

The subject site is zoned "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District and permits single family dwellings.

Lands to be severed and retained

Variance 1-4 and Variances 1-3

The applicant is requesting a variance to allow a minimum lot width of 7.6 and 10.9 metres and a minimum lot area of 285.6 metres squared, notwithstanding the minimum required lot width of 12.0 metres and a minimum lot area of 360 metres squared. The intent of these provisions is to allow for adequate area to accommodate a dwelling with the necessary landscaped areas, amenity area and parking and to provide a consistent residential streetscape for a two-unit dwelling.

The applicant is also requesting a variance to allow for a 0.0 metre southerly and northerly side yard with to be maintained for the existing 1 storey stucco and sided building and for the existing accessor building, notwithstanding the minimum required 0.45 metre side yard width. The intent of this provision is to ensure adequate space for access and drainage is being provided. Staff defers any drainage concerns to Development Engineering Approvals.

Furthermore, the applicant is requesting a variance to allow the eaves and gutters to be permitted to encroach the entire width of the southerly and northerly lot line for an accessory building, notwithstanding the maximum permitted encroachment of one half the width of the required side yard, or 1.0 metres, whichever is lesser. The intent of this provision is to ensure all water management is provided within the subject site and does

not encroach onto adjacent properties. Staff defers any drainage concerns to Development Engineering Approvals.

Staff acknowledge no changes are being proposed to the existing structure and that the variances are to recognize and existing condition since the two lots inadvertently merged on title. The variances are minor in nature and desirable for the development as no negative impacts are anticipated.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law No. 6593 is being maintained, the variances are desirable for the development and minor in nature; therefore, **staff support the variances**.

Recommendation:

Based on the preceding information, the variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning Bylaw No. 6593. The variances are minor in nature and desirable for the appropriate use of the property.

In conclusion, Staff recommends that the application be **approved**.

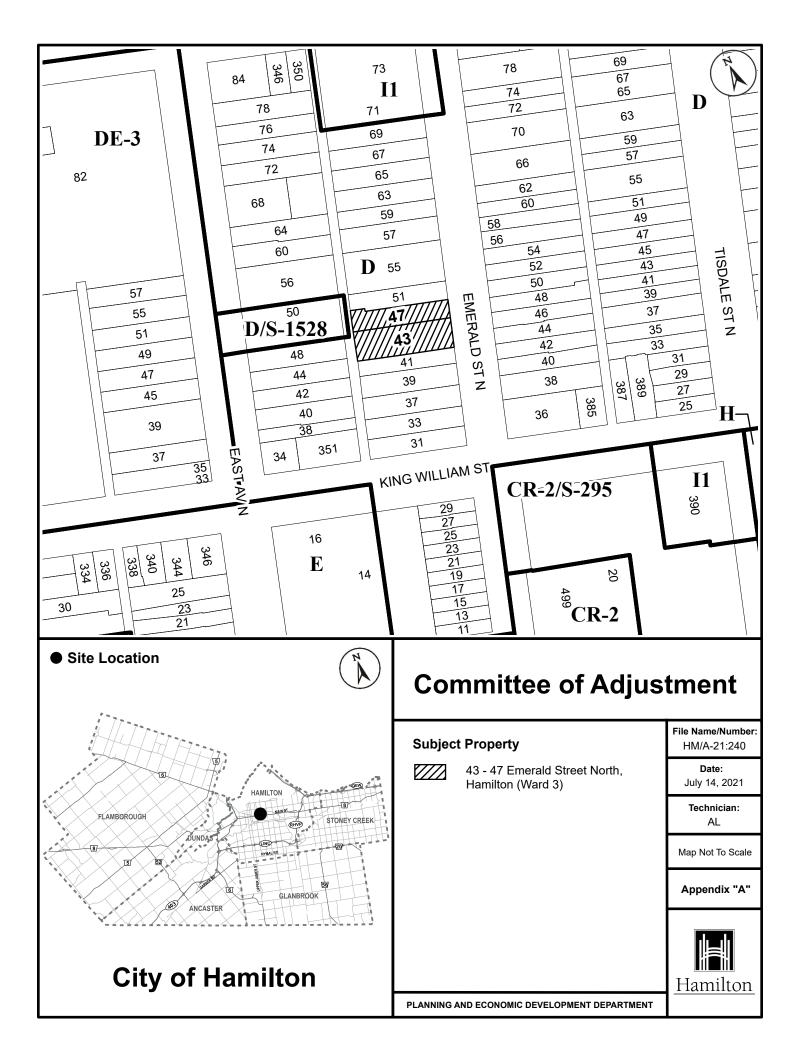
Building Division:

1. These variances are necessary to facilitate land severance application HM/B-21: 14.

Development Engineering:

As the existing southerly side yard width is to be maintained for the existing dwelling, Development Engineering Approvals have **no comments** regarding the minor variance application .

See attached for additional comments.



HM/B-21:52 – 147 Beach Blvd., Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

- The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
- 2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
- 3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
- 4. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division Plan Examination Section).
- 5. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division Zoning Section).
- 6. The owner shall submit survey evidence that the lands to be severed and/or the lands to be retained, including the location of any existing structure(s), conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division Zoning Section).
- 7. That the applicant provide proof of the purchase and merger of Fletcher Avenue to Parts 2 and 4 as shown on the submitted survey to the satisfaction of the Manager of Planning and Urban Design.
- 8. That the proponent shall carry out an archaeological assessment of the entire portion of the property conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological

resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

- 9. That the Owner acquire the lands of the existing laneway known as Fletcher Avenue from the City of Hamilton at 100% their cost.
- 10. That the Owner grants a sanitary sewer easement to the City of Hamilton over the existing laneway plus an additional 1.5m wide strip of lands adjacent to the former laneway, described as Part 1 over the severed portion and Part 2 on the retained portion of the lands to the satisfaction of the Manager of the Engineering Approvals.
- 11. That the Owner demonstrates that the Utility Companies have the right to maintain their services within the laneway to the satisfaction of the Manager of the Engineering Approvals.
- 12. That the Owner demonstrates that the private servicing easement is established over the laneway and Parts 1 and 2 on the future reference plan to address maintenance of the existing private services to dwellings with Municipal number 153 and 153 ½ Beach Boulevard to the satisfaction of the Manager of the Engineering Approvals.
- 13. That he Owner demonstrates that a legal agreement to maintain the access to the dwelling at 153 ½ Beach Boulevard through the existing laneway has been registered in the Land Registry Office to the satisfaction of the Manager of the Engineering Approvals.
- 14. That the owner enters and register on the title of the lands a Consent Agreement to address issues including but not limited to: lot grading and drainage to a suitable outlet on the severed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading, water and sewer services

- inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time).
- 15. A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Lot 1) will remain as 145 Beach Boulevard (Hamilton) the lands to be conveyed (Lot 2) will be assigned the address of 145 Beach Boulevard (Hamilton), and the lands to be conveyed (Lot 3) will be assigned the address of 145 Beach Boulevard (Hamilton).

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

HM/B-21:52 – 147 Beach Blvd., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Urban</u>

The purpose of these applications is to permit and facilitate the creation of two lots through land severance application HM/B-21:52 and minor variance application HM/A-21:228, notwithstanding the variances below.

Urban Hamilton Official Plan

The property is identified as "Neighbourhoods" in Schedule E– Urban Structure and is designated "Neighbourhoods" in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, E.3.4.3, and F.1.14.3.1 amongst others, are applicable and permit single detached dwellings. Staff also note that the subject site is regulated by the Hamilton Conservation Authority and defer any concerns to them.

The proposal is for the creation of two parcels. One parcel contains an existing single detached dwelling and its accessory structures, and the other parcel is vacant and will be intended for residential purposes as noted on the submitted survey. Staff note that this application was previously heard at the June 21, 2018 Committee of Adjustment, where the proposed severance was approved, but has since lapsed due to failure to clear all conditions needed.

The retained lands, Parts 2 and Parts 4 of the submitted survey did not have frontage onto a public road. The proponent opted to purchase Fletcher Avenue from the City and add on to the conditions associated with the approval of the past consent application (HM/B-15:105). As a result of the purchase of Fletcher Avenue, the proposed retained lands would now have frontage onto Beach Boulevard and consist of Parts 2, 4, and Fletcher Avenue, as shown on the submitted survey. Staff are of the opinion that the consent application maintains the general intent and purpose of the Official Plan as the proposed retained and severed lands will have frontage onto a public road, are fully serviced by municipal services, and are generally in keeping with the lot character of the neighbourhood.

Staff recommend that the consent application be **approved** on condition that the applicant submit proof of the purchase and merger of the portion of Fletcher Avenue as shown on the submitted survey to Parts 2 and 4 to the satisfaction of the Manager of Development Planning, Heritage and Design.

Archaeology:

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this severance is granted, Staff require that the Committee of Adjustment attach the following condition to the application:

"Condition: That the proponent shall carry out an archaeological assessment of the entire portion of the property conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

Cultural Heritage:

The subject property contains a circa 1911 dwelling included on the City's Inventory of Heritage Buildings and is located within the Hamilton Beach Strip Inventoried Cultural Heritage Landscape and the Hamilton Beach Established Historic Neighbourhood.

The property is additionally located adjacent to 5, 137, 153, and 159 Beach Boulevard, properties included on the City's Inventory of Heritage Buildings.

The applicant proposes to divide a parcel of land. Plans show a proposed second dwelling on the severed plot of land.

Accordingly, the following section of the Provincial Policy Statement applies:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

Additionally, the following sections of the Urban Hamilton Official Plan, Volume 1, apply:

- B.3.4.6.2 Cultural heritage landscapes...shall be protected in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act.
- B.3.4.1.3 "Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all onsite or adjacent cultural heritage resources." and,
- B.3.4.2.1(g) "Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the Planning Act either through appropriate planning and design measures or as conditions of development approvals."
- B.3.4.2.1(h) "Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City."

Where new construction and/or alterations or additions to existing structures are proposed in a Cultural Heritage Landscape or Established Historic Neighbourhood, key considerations are the visual and physical impacts on landscape features, typically public views of the building fabric, building set-back, the streetscape and significant vistas.

While the proposed severance will break the existing lot fabric in the surrounding area by creating two lots fronting onto a side street, it is not uncommon in the Beach area.

Currently, the proponent has not provided any elevations for the proposed dwelling. However, staff note that any dwellings constructed on the newly severed parcel must incorporate features that are sympathetic to the character of the area as discussed above. Staff have no further comments on the application as circulated.

Former City of Hamilton Zoning By-law No. 6593

The subject site is zoned "C/S-1435" (Urban Protected Residential, etc.) District, Modified and permits a single family dwelling.

Variance 1

The applicant is requesting a variance to allow a minimum lot frontage of 6.0 metres to be provided for the portion of the land to be retained, notwithstanding the minimum required lot frontage of 12.0 metres. The intent of this provision is to provide a consistent residential streetscape and to allow for adequate space for a proper building envelope.

Staff are of the opinion that the variance maintains the general intent of the By-law as the reduction in lot width is to allow for the proposed retained lands to have frontage along a public road and will not alter the residential character of the neighbourhood. Staff are of the opinion that the variance is desirable and minor in nature as no negative impacts are anticipated for the subject site or surrounding area.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law No. 6593 is being maintained, the variance is desirable for the development and minor in nature; therefore, **staff support the variance**.

Variance 2

The applicant is requesting a variance to allow for a minimum 1.5 metre setback to be maintained along the westerly side lot line (where the new lot line is being created subject to the approval of consent application) for the existing concrete block building, notwithstanding the minimum required side yard along each side lot line of a width of at least 1.7 metres. The intent of this provision is to ensure adequate space is provided for access and drainage and to minimize any massing concerns to adjacent properties. Staff defers any drainage concerns to Development Engineering Approvals.

Staff are of the opinion that the variance is maintaining the general intent of the By-law as sufficient space is being provided for access and will not create any undue massing concerns. Staff are of the opinion that the variance is desirable and minor in nature as no negative impacts are anticipated for the subject site or surrounding area.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law No. 6593 is being maintained, the variance is desirable for the development and minor in nature; therefore, **staff support the variance**.

Variance 3 and 4

The applicant is requesting a variance to allow a minimum 0.6 metre and 1.3 metre setback side yard with shall be maintained along the southerly side lot line for the existing concrete block building and the existing deck, notwithstanding the minimum required side yard along each side lot line of a width of at least 1.7 metres. The intent of this provision is to ensure adequate space is provided for access and drainage and to minimize any

massing concerns to adjacent properties. Staff defers any drainage concerns to Development Engineering Approvals.

Staff are of the opinion that the variance is maintaining the general intent of the By-law as sufficient space is being provided for access and will not create any undue massing concerns. Staff are of the opinion that the variance is desirable and minor in nature as no negative impacts are anticipated for the subject site or surrounding area.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law No. 6593 is being maintained, the variance is desirable for the development and minor in nature; therefore, **staff support the variance**.

Recommendation:

Based on the preceding information, the variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning Bylaw No. 6593. The variances are minor in nature and desirable for the appropriate use of the property.

In conclusion, Staff recommends that the application be **approved**.

CONDITIONS: (If Approved) to the consent

- 1. That the applicant provide proof of the purchase and merger of Fletcher Avenue to Parts 2 and 4 as shown on the submitted survey to the satisfaction of the Manager of Planning and Urban Design.
- 2. That the proponent shall carry out an archaeological assessment of the entire portion of the property conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

Building Division:

- 1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
- 2. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
- 3. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
- 4. The "C"/S-1435 zoning district permits only limited residential uses. The applicant may wish to ensure that the proposed uses for the land to be conveyed are permitted.
- 5. Variances for lot width, yard widths and depths will be required for zoning compliance of the lands to be retained.

CONDITIONAL UPON:

- 1. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division Plan Examination Section).
- 2. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division Zoning Section).
- 3. The owner shall submit survey evidence that the lands to be severed and/or the lands to be retained, including the location of any existing structure(s), conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division Zoning Section).

Development Engineering:

<u>Information</u>

This property has been reviewed under application HM/B-17:105. As it appears the proposal and R-plan has not changed, the same information and recommendations apply:

There is an existing laneway 20 feet (6.1m) wide, named Fletcher Avenue, adjacent to the west property line of the subject lands. There is an existing 250mmø sanitary sewer within the laneway that provides for a sanitary outlet to the existing dwellings at 147, 153 and 153 ½ Beach Boulevard. The existing laneway provides for access to the existing dwelling at 153 ½ Beach Boulevard and is going to provide access to the retained portion of the lands, if severance is supported by the City. There are also existing utilities within the laneway. The information in our system indicates that there are existing water service lines that service the existing dwellings at 147 and 153 ½ Beach Boulevard along the west property line of the subject lands. The Development Approvals staff is able to support the proposed severance on premise that the owner is going to acquire the existing laneway from the City of Hamilton and subject to the following conditions:

Recommendations

- 1. That the Owner acquire the lands of the existing laneway known as Fletcher Avenue from the City of Hamilton at 100% their cost.
- 2. That the Owner grants a sanitary sewer easement to the City of Hamilton over the existing laneway plus an additional 1.5m wide strip of lands adjacent to the former laneway, described as Part 1 over the severed portion and Part 2 on the retained portion of the lands to the satisfaction of the Manager of the Engineering Approvals.
- 3. That the Owner demonstrates that the Utility Companies have the right to maintain their services within the laneway to the satisfaction of the Manager of the Engineering Approvals.
- 4. That the Owner demonstrates that the private servicing easement is established over the laneway and Parts 1 and 2 on the future reference plan to address maintenance of the existing private services to dwellings with Municipal number 153 and 153 ½ Beach Boulevard to the satisfaction of the Manager of the Engineering Approvals.
- 5. That he Owner demonstrates that a legal agreement to maintain the access to the dwelling at 153 ½ Beach Boulevard through the existing laneway has been registered in the Land Registry Office to the satisfaction of the Manager of the Engineering Approvals.
- 6. That the owner enters and register on the title of the lands a Consent Agreement to address issues including but not limited to: lot grading and drainage to a suitable outlet on the severed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management

infrastructure and securities for items that may include: lot grading, water and sewer services inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time).

Source Water Protection:

No comments.

Growth Planning:

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Lot 1) will remain as 145 Beach Boulevard (Hamilton) the lands to be conveyed (Lot 2) will be assigned the address of 145 Beach Boulevard (Hamilton), and the lands to be conveyed (Lot 3) will be assigned the address of 145 Beach Boulevard (Hamilton).

Transportation Planning:

Transportation Planning has no objection to the land severance application.

See attached for additional comments.



Stephen Clark, Urban Forest Health Technician Hamilton City Centre, 77 James Street North, Suite 400 Hamilton, On L8R 2K3 Phone (905) 546-2424 Ext. 4219, Fax (905) 546-4473 Email – Stephen.Clark@hamilton.ca

Forestry & Horticulture Section Environmental Services Division Public Works Department

Date: July 15,2021

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer

Development Planning

City Hall – 71 Main Street West -5th Floor

From: Stephen Clark, Urban Forest Health Technician

Subject: 147 Beach Blvd., Hamilton

File: HM/B-21:52

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, July 22nd,2021, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

An assessment of the information provided shows that there are potential conflicts with publicly owned trees or trees that may become city assets through right of way widening. Where existing municipal trees are impacted by development work, are within proximity of the development work or access/egress to the development work, a Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician.

Where ownership of trees in proximity to the boundary between public and private land is un-certain, the subject trees must be surveyed by the applicant to confirm ownership. Ownership is as per By-law 15-125. Ownership must be clearly identified on the Tree Management Plan as either municipal or private.

A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

Conditions of the Forestry and Horticulture Section will be cleared only after receipt of all applicable fees and payments.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

The Forestry & Horticulture Section requires that a **Tree Management Plan** be prepared by a **Registered Landscape Architect**. All trees within this proposed development area must be surveyed, identified and accurately plotted on the plan to determine ownership, including intensions regarding retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints, driveways, utility construction corridors and temporary access roads be accurately depicted on the submission.

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.

- Species by Botanical and common name
- ❖ Diameter at breast height in centimeters or millimeters
- Ownership (> 50% @ ground level = ownership)
- ❖ Biological health
- Structural condition
- Proposed grade changes within individual driplines (compulsory)
- Proposed utility construction within individual driplines {compulsory}
- Proposed removals or relocations
- Proposed trees to be protected

If it is determined and verified that existing trees can remain, a Tree Protection Zone Detail with notes showing Tree Preservation Techniques shall be included on the submission as per the **Public Tree Preservation and Sustainability Policy**.

The determination of ownership of all trees is the responsibility of the applicant and any civil issues which may exist or arise between property owners with respect to trees, must be resolved by the applicant. The ownership of each individual tree inventoried must be clearly stated as municipal or private.

All Healthy trees on municipal property which are found to be in conflict with this proposed development and do not meet our criteria for removal are subject to a replacement fee as outlined in the **Public Tree Preservation and Sustainability Policy** in conjunction with **By-Law 15-125**.

A \$278.80 plus HST permit fee, payable to the City of Hamilton is required prior to the permit issuance.

A <u>permit</u> will be issued upon approval of the Tree Management Plan and applicable fees.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY OF FORESTRY CONDITIONS

• A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

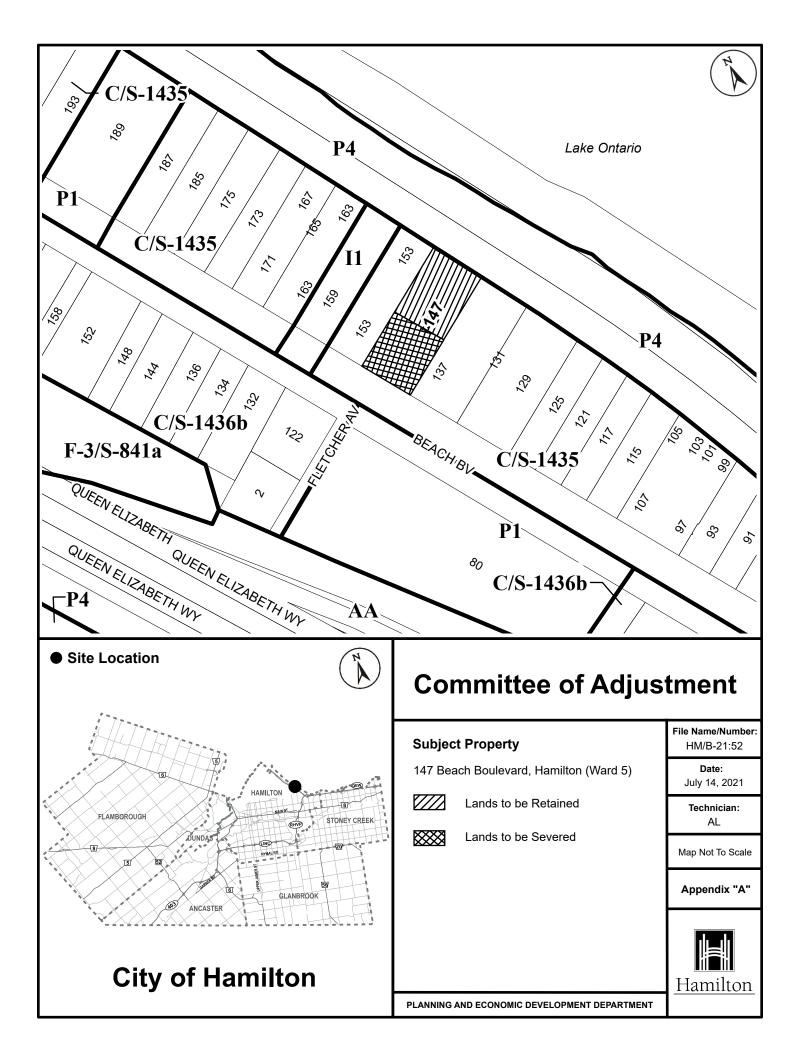
If you require clarification or technical assistance, please do not hesitate to contact me at (905) 546-2424 Ext. 7375.

Regards,

Stephen Clark

Urban Forest Health Technician

Stephen Clark



HM/A-21:228 – 147 Beach Blvd., Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

HM/A-21:228 – 147 Beach Blvd., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Urban</u>

The purpose of these applications is to permit and facilitate the creation of two lots through land severance application HM/B-21:52 and minor variance application HM/A-21:228, notwithstanding the variances below.

Urban Hamilton Official Plan

The property is identified as "Neighbourhoods" in Schedule E– Urban Structure and is designated "Neighbourhoods" in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, E.3.4.3, and F.1.14.3.1 amongst others, are applicable and permit single detached dwellings. Staff also note that the subject site is regulated by the Hamilton Conservation Authority and defer any concerns to them.

The proposal is for the creation of two parcels. One parcel contains an existing single detached dwelling and its accessory structures, and the other parcel is vacant and will be intended for residential purposes as noted on the submitted survey. Staff note that this application was previously heard at the June 21, 2018 Committee of Adjustment, where the proposed severance was approved, but has since lapsed due to failure to clear all conditions needed.

The retained lands, Parts 2 and Parts 4 of the submitted survey did not have frontage onto a public road. The proponent opted to purchase Fletcher Avenue from the City and add on to the conditions associated with the approval of the past consent application (HM/B-15:105). As a result of the purchase of Fletcher Avenue, the proposed retained lands would now have frontage onto Beach Boulevard and consist of Parts 2, 4, and Fletcher Avenue, as shown on the submitted survey. Staff are of the opinion that the consent application maintains the general intent and purpose of the Official Plan as the proposed retained and severed lands will have frontage onto a public road, are fully serviced by municipal services, and are generally in keeping with the lot character of the neighbourhood.

Staff recommend that the consent application be **approved** on condition that the applicant submit proof of the purchase and merger of the portion of Fletcher Avenue as shown on the submitted survey to Parts 2 and 4 to the satisfaction of the Manager of Development Planning, Heritage and Design.

Archaeology:

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this severance is granted, Staff require that the Committee of Adjustment attach the following condition to the application:

"Condition: That the proponent shall carry out an archaeological assessment of the entire portion of the property conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

Cultural Heritage:

The subject property contains a circa 1911 dwelling included on the City's Inventory of Heritage Buildings and is located within the Hamilton Beach Strip Inventoried Cultural Heritage Landscape and the Hamilton Beach Established Historic Neighbourhood.

The property is additionally located adjacent to 5, 137, 153, and 159 Beach Boulevard, properties included on the City's Inventory of Heritage Buildings.

The applicant proposes to divide a parcel of land. Plans show a proposed second dwelling on the severed plot of land.

Accordingly, the following section of the Provincial Policy Statement applies:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

Additionally, the following sections of the Urban Hamilton Official Plan, Volume 1, apply:

- B.3.4.6.2 Cultural heritage landscapes...shall be protected in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act.
- B.3.4.1.3 "Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all onsite or adjacent cultural heritage resources." and,
- B.3.4.2.1(g) "Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the Planning Act either through appropriate planning and design measures or as conditions of development approvals."
- B.3.4.2.1(h) "Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City."

Where new construction and/or alterations or additions to existing structures are proposed in a Cultural Heritage Landscape or Established Historic Neighbourhood, key considerations are the visual and physical impacts on landscape features, typically public views of the building fabric, building set-back, the streetscape and significant vistas.

While the proposed severance will break the existing lot fabric in the surrounding area by creating two lots fronting onto a side street, it is not uncommon in the Beach area.

Currently, the proponent has not provided any elevations for the proposed dwelling. However, staff note that any dwellings constructed on the newly severed parcel must incorporate features that are sympathetic to the character of the area as discussed above. Staff have no further comments on the application as circulated.

Former City of Hamilton Zoning By-law No. 6593

The subject site is zoned "C/S-1435" (Urban Protected Residential, etc.) District, Modified and permits a single family dwelling.

Variance 1

The applicant is requesting a variance to allow a minimum lot frontage of 6.0 metres to be provided for the portion of the land to be retained, notwithstanding the minimum required lot frontage of 12.0 metres. The intent of this provision is to provide a consistent residential streetscape and to allow for adequate space for a proper building envelope.

Staff are of the opinion that the variance maintains the general intent of the By-law as the reduction in lot width is to allow for the proposed retained lands to have frontage along a public road and will not alter the residential character of the neighbourhood. Staff are of the opinion that the variance is desirable and minor in nature as no negative impacts are anticipated for the subject site or surrounding area.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law No. 6593 is being maintained, the variance is desirable for the development and minor in nature; therefore, **staff support the variance**.

Variance 2

The applicant is requesting a variance to allow for a minimum 1.5 metre setback to be maintained along the westerly side lot line (where the new lot line is being created subject to the approval of consent application) for the existing concrete block building, notwithstanding the minimum required side yard along each side lot line of a width of at least 1.7 metres. The intent of this provision is to ensure adequate space is provided for access and drainage and to minimize any massing concerns to adjacent properties. Staff defers any drainage concerns to Development Engineering Approvals.

Staff are of the opinion that the variance is maintaining the general intent of the By-law as sufficient space is being provided for access and will not create any undue massing concerns. Staff are of the opinion that the variance is desirable and minor in nature as no negative impacts are anticipated for the subject site or surrounding area.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law No. 6593 is being maintained, the variance is desirable for the development and minor in nature; therefore, **staff support the variance**.

Variance 3 and 4

The applicant is requesting a variance to allow a minimum 0.6 metre and 1.3 metre setback side yard with shall be maintained along the southerly side lot line for the existing concrete block building and the existing deck, notwithstanding the minimum required side yard along each side lot line of a width of at least 1.7 metres. The intent of this provision is to ensure adequate space is provided for access and drainage and to minimize any

massing concerns to adjacent properties. Staff defers any drainage concerns to Development Engineering Approvals.

Staff are of the opinion that the variance is maintaining the general intent of the By-law as sufficient space is being provided for access and will not create any undue massing concerns. Staff are of the opinion that the variance is desirable and minor in nature as no negative impacts are anticipated for the subject site or surrounding area.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and Zoning By-law No. 6593 is being maintained, the variance is desirable for the development and minor in nature; therefore, **staff support the variance**.

Recommendation:

Based on the preceding information, the variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning Bylaw No. 6593. The variances are minor in nature and desirable for the appropriate use of the property.

In conclusion, Staff recommends that the application be **approved**.

CONDITIONS: (If Approved) to the consent

- 1. That the applicant provide proof of the purchase and merger of Fletcher Avenue to Parts 2 and 4 as shown on the submitted survey to the satisfaction of the Manager of Planning and Urban Design.
- 2. That the proponent shall carry out an archaeological assessment of the entire portion of the property conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

Building Division:

- 1. The notice should be altered to include in variance # 3 the following: (Abutting the property municipally known as 137 Beach Boulevard). The Variance should read as follows:
 - A minimum of 0.6 m side yard width shall be maintained on the southerly side lot line (abutting the property municipally known as 137 Beach Boulevard) for the existing concrete block building instead of the minimum required side yard along each side lot line of a width of at least 1.7 m; and
- 2. These variances are necessary to facilitate land severance application HM/B-21: 52.
- 3. Please be advised that a portion of this property is within an area regulated by Hamilton Conservation Authority. Please contact the Hamilton Conservation Authority at (905) 525-2181 prior to any development.
- 4. The lands are subject to Site Plan Control. As such, development or redevelopment may require application to the Development Planning Division. For further information, please contact (905) 546-2424 extension 1355 or email pd.generalinquiry@hamilton.ca.
- 5. Any proposed development or redevelopment is subject to the issuance of a building permit in the normal manner.

Development Engineering:

For information, the minimum required setback from the property line shall be 1.7m. The proposed setbacks are insufficient as per the Beach Boulevard Master Drainage Plan. As these setbacks are existing, the Applicant shall demonstrate that drainage is maintained within the subject lands without negatively impacting the neighbouring lands. All comments are provided under application HM/B-21:52 and engineering related comments shall be provided at the detailed design stage, if severance is supported by the City.

See attached for additional comments.



July 15, 2021

City of Hamilton
Planning and Economic Development Department
71 Main St W
Hamilton, Ontario
L8P 4Y5

Attention: Samantha Costa

File# HM/A:21-052

Re: 147 Beach Blvd

In response to your correspondence dated July 7, 2021, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site @ www.alectrautilities.com.
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Hydro easement is to remain clear of encroachment of any kind.
- Existing underground service is in conflict with proposed land severances and will need to be relocated as condition of severance. Contact ICI Group to review relocation options.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities respresentative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.

- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 1-15, Overhead System
 - C22.3 No. 7-15 Underground Systems

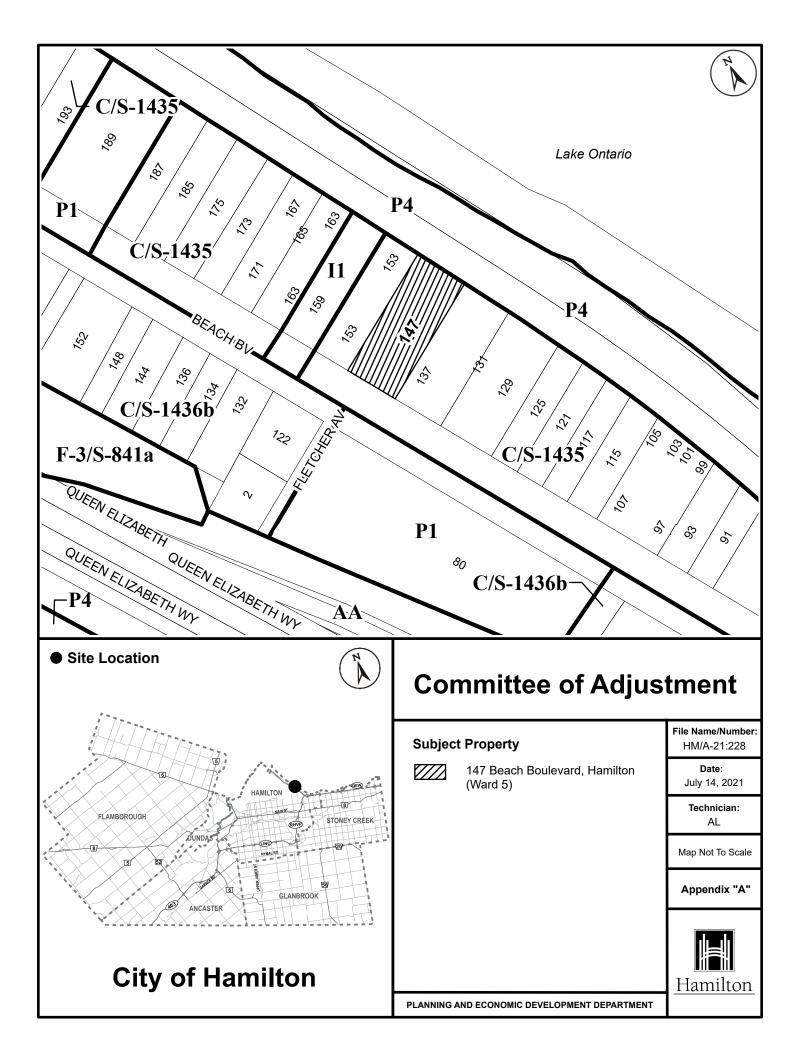
We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski Supervisor, Design, Customer Capital





HM/A-21:119 – 352 Beach Blvd., Hamilton

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee approve the application, an approval should be subject to the following condition(s):

HM/A-21:119 – 352 Beach Blvd., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

<u>Development Planning – Urban</u>

The purpose of this application is to permit the development of a two-storey single detached dwelling, notwithstanding the variance below.

Urban Hamilton Official Plan

The property is identified as "Neighbourhoods" in Schedule E– Urban Structure and is designated "Neighbourhoods" in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, and E.3.4.3, amongst others, are applicable and permit single detached dwellings.

Cultural Heritage:

The subject property is located within the Hamilton Beach Strip Inventoried Cultural Heritage Landscape and the Hamilton Beach Established Historic Neighbourhood. The conservation of CHLs is provided for under section 2.6.1 of the Provincial Policy Statement, 2014 (PPS) which states that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved".

The proponent proposes two of the required four parking spots be located in the front yard.

Notwithstanding that the property is located within the Hamilton Beach Strip Inventoried Cultural Heritage Landscape and the Hamilton Beach Established Historic Neighbourhood, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the property will be conserved. The proposed parking spots are located on the paved driveway that is used to access the drive in garage, and are not expected to have any additional visual impact on the Inventoried Cultural Heritage Landscape or Established Historic Neighbourhood. Staff have no further comments on the application as circulated.

Former City of Hamilton Zoning By-law No. 6593

The subject site is zoned "C/S-1436b" and permits a single detached dwelling.

Variance 1

The applicant is requesting a variance to allow 2 of the 4 required parking spaces to be permitted in the front yard, notwithstanding the requirement of only one of the required

parking spaces to be provided within the front yard. The intent of this provision is to ensure a consistent low-density residential streetscape is being maintained.

Staff are of the opinion that the variance is maintaining the general intent of the By-law as a consistent low-density residential streetscape is being maintained. Staff are of the opinion that the variance is minor in nature and desirable for the development as no negative impacts are anticipated for the development or subject site.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature, therefore, **staff support the variance**.

Recommendation:

Based on the preceding information, the variance maintains the general intent and purpose of the Urban Hamilton Official Plan and the former City of Hamilton Zoning Bylaw No. 6593. The variance is minor in nature and desirable for the appropriate use of the property.

In conclusion, Staff recommends that the application be **approved**.

Building Division:

- 1. This application is necessary to facilitate Site Plan Application No. DAB-20-068.
- 2. A building permit is required for the construction of the proposed single family dwelling. Be advised that Ontario Building Code regulations may require specific setback and construction types.
- 3. Due to the proximity of this property to the right-of-way limits of the Queen Elizabeth Way highway, a development permit from the Ontario Ministry of Transportation may be necessary. Additionally, the Ministry of Transportation may also have development regulations which may affect the subject lands.
- 4. Please note that a detailed elevation drawing was not included as part of the application to confirm the height of the proposed dwelling.

Development Engineering:

No comments. All engineering related comments will be provided under Site Plan Control application DAB-20-068.

See attached for additional comments.

